City of Woodland

Meeting Agenda - Final

Planning Commission

City of Woodland Planning Commission
c/o Community Development Department
300 First Street
Woodland, CA 95695

530-661-5820

Thursday, November 2, 2017 | **6:30 PM** | **Council Chambers**

A. Call to Order

B. Roll Call

C. Pledge of Allegiance

D. Staff and Commissioner Comments

This is an opportunity for the Planning Commission members and staff to make comments and announcements to express concerns, or to request Commission's consideration of any items a Commission member would like to have discussed at a future Commission meeting..

E. Subcommittee Reports

F. Communications from the Public

This is an opportunity for the public to speak to the Commission on any item other than those listed for public hearing on the agenda. Speakers are requested to use the microphone in front of the Commission and to begin by stating their name, whether they reside in Woodland and the name of the organization they represent if any. The Commission may impose a time limit on any speaker depending on the number of people wanting to speak and time available for the rest of the agenda. In the event comments are related to an item scheduled on the agenda, speakers may be required to wait to make their comments until that item is considered.

G. Approval of Minutes

H. Public Hearing

17-0632 Public Art Ordinance. Approval of Public Art Ordinance and Related Consistency Amendments.
Location: Applicable citywide.

Environmental Report: Statutorily Exempt

Project Planner: Erika Bumgardner, Senior Planner

Staff Recommendation: Recommend City Council Approval

Attachments: 1 - PC Resolution & Exh A & B

2 - Public Art Ordinance - Updated, Clean Version

3 - Public Art Ord. - Updated, Track Changes Verson.pdf

4 - Planning Commission Public Art Report Packet August 17, 2017

17-0638 SUBJECT: Consideration of a Zoning Ordinance to Add Article 25-21.6 to the City of Woodland Municipal Code related to Commercial Cannabis Manufacturing, Testing, Research, and Distribution Uses in the City of Woodland

DATE: November 2, 2017

RECOMMENDATION: Staff recommends that the Planning Commission:

1. Receive a Report concerning the proposed addition of Article 25-21.6 to the City of Woodland Zoning Code related to commercial cannabis regulations;

2. Conduct a public hearing;

3. Find that this Ordinance is not a project subject to California Environmental Quality Act (CEQA) review pursuant to Section 15061 (b) (3) of Title 14 of the California Code of Regulations as set forth in this Ordinance; and

4. Adopt Resolution No. PC 17-_____, recommending to the City Council adoption of an ordinance to add Article 25-21.6 to the City of Woodland Zoning Code.

Attachments: 1 - PC Resolution

2 - Ord. Adding Sect. 25-21.6 to the Woodland Zoning Code RE Com'l Cannabis

3 - Com'l Cannabis Use Matrix

4 - Com'l Cannabis Sensitivity Map

I. Business Items

Items for Planning Commission discussion and/or action that do not require public hearing.

J. Staff or Commissioner Comments

Continued as needed.

Receive Absence Requests.

K. Adjournment

The Planning Commission of the City of Woodland encourages all parties interested in a matter scheduled to be reviewed, discussed and acted on at a meeting, to participate in the public discourse, which may include the submission of written comments and materials. The Planning Commission notifies the public that those materials received less than 24 hours before a meeting date and time may not be able to be considered completely. Further, the Planning Commission encourages interested parties to attend the meeting to discuss any matter of concern and to explain their comments more fully.

City of Woodland

City Hall
300 First Street
Woodland, CA 95695

Legislation Details (With Text)

File #:	17-0632	**Version:**	1	**Name:**	
Type:	Public Hearing Item			**Status:**	Agenda Ready
File created:	10/6/2017			**In control:**	Planning Commission
On agenda:	11/2/2017			**Final action:**	

Title: Public Art Ordinance. Approval of Public Art Ordinance and Related Consistency Amendments.
Location: Applicable citywide.

Environmental Report: Statutorily Exempt

Project Planner: Erika Bumgardner, Senior Planner

Staff Recommendation: Recommend City Council Approval

Sponsors:

Indexes:

Code sections:

Attachments:
1 - PC Resolution & Exh A & B
2 - Public Art Ordinance - Updated, Clean Version
3 - Public Art Ord. - Updated, Track Changes Verson.pdf
4 - Planning Commission Public Art Report Packet August 17, 2017

Date	Ver.	Action By	Action	Result

City of Woodland

Planning Commission

Public Art Ordinance. Approval of Public Art Ordinance and Related Consistency Amendments.

Location: Applicable citywide.

Environmental Report: Statutorily Exempt

Project Planner: Erika Bumgardner, Senior Planner

Staff Recommendation: Recommend City Council Approval
Report For: Planning Commission Public Hearing - November 2, 2017

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Pending/Potential Action

Staff recommends that the Planning Commission take action on the following:

1) Receive the staff report;
2) Conduct the public hearing;
3) Adopt Resolution No. PC17-_____, recommending City Council approval of the attached Public Art Ordinance; amending the Community Design Standards for Commercial Development Section 10 to reference the Public Art Ordinance.

Background

At its August 17, 2017 meeting, the Planning Commission considered the proposed Public Art Ordinance and recommended that action on the item be continued to a subsequent meeting. (A complete copy of the August 17th staff report packet and attachments is provided as Attachment 4.) The additional time provided the Planning Commission's Public Art Subcommittee an opportunity to work through key questions.

Members of the Subcommittee met with two City Council members in a 2 x 2 working group where additional consideration was given to when and which private projects are subject to the Public Art requirement. It is recommended that all infill development projects within the Downtown Specific Plan area boundary be exempted from the Public Art obligation and recommended that the obligation of private and public (capital projects) be equalized, with the Public Art obligation applicable to projects with construction costs at or over $350,000 for both private and public projects.

Additionally, suggested language has been added to the ordinance reiterating the city's commitment to working collaboratively with applicants to ensure a beneficial outcome for all parties. Other minor edits were made at the request of the Public Art Subcommittee and by Planning staff to clarify or correct specific sections of the ordinance. A "track changes" version of the ordinance and a "clean" version are provided as Attachments 3 and 2, respectively.

Public Notification

Public notice advertising for the public hearing on this project was prepared by the Community Development Department in accordance with notification procedures set forth in the City of Woodland's Municipal Code and State Planning Law. On August 5, 2017, September 22, 2017, and on October 22, 2017 the City published notice of the Planning Commission's consideration of the proposed ordinance in a 1/8th page advertisement in the Woodland Daily Democrat.

Copies of the factual staff report for the proposed project have been on file at City Hall since October 27, 2017.

Environmental Assessment Status

The proposed adoption of a Public Art Ordinance is Categorically Exempt from CEQA pursuant to Section 15183 and Section 15061 (b)(3) of the CEQA Guidelines. The proposed ordinance provides formal guidelines, standards, and procedures for regularly integrating public art into new construction projects. The ordinance is limited in scope and will not result in substantive regulatory changes that could result in environmental impacts. The amendment is consistent with the policies of the General Plan, covered by the General Plan EIR.

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Recommendation

Staff recommends that the Planning Commission take action on the following:

1) Receive the staff report;
2) Conduct the public hearing;
3) Adopt Resolution No. PC17-_____, recommending City Council approval of the attached Public Art Ordinance; amending the Community Design Standards for Commercial Development Section 10 to reference the Public Art Ordinance.

ATTACHMENTS:
Attachment 1 - Planning Commission Resolution
Attachment 2 - Public Art Ordinance - Updated, Clean Version
Attachment 3 - Public Art Ordinance - Updated, Track Changes Version
Attachment 4 - Planning Commission Public Art Report Packet August 17, 2017

RESOLUTION NO. PC 17-_____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WOODLAND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF (1) AN ORDINANCE ADDING SECTION 25-21-90 TO THE WOODLAND MUNICIPAL CODE RELATED TO PUBLIC ART REQUIREMENTS FOR NEW CONSTRUCTION PROJECTS, AND (2) A RESOLUTION AMENDING SECTION 10 OF THE WOODLAND COMMUNITY DESIGN STANDARDS TO REFLECT PROPOSED UPDATES TO THE WOODLAND MUNICIPAL CODE PERTAINING TO PUBLIC ART REQUIREMENTS

WHEREAS, the Woodland Planning Commission held a duly noticed public hearing on November 2, 2017, to review and consider recommending to the City Council approval of the proposed Ordinance pertaining to Public Art requirements for new development projects throughout the City of Woodland; and

WHEREAS, the Planning Commission finds that public art is a critical element in creating a diverse and culturally rich environment for Woodland residents and visitors by enriching the economic, historical, and aesthetic value of the community; and

WHEREAS, the Planning Commission therefore finds that establishing formal guidelines, standards, and procedures for regularly integrating public art into new construction projects throughout the City is in the public interest and will positively contribute to the general welfare, vitality, and heritage of the City; and

WHEREAS, the proposed adoption of a Public Art Ordinance is Categorically Exempt from CEQA pursuant to Section 15183 and Section 15061 (b)(3) of the CEQA Guidelines. The proposed ordinance provides formal guidelines, standards, and procedures for regularly integrating public art into new construction projects. The ordinance is limited in scope and will not result in substantive regulatory changes that could result in environmental impacts. The amendment is consistent with the policies of the General Plan, covered by the General Plan EIR; and

WHEREAS, the City Council adopted the Woodland Community Design Standards by City Council Resolution 4035, on February 3, 1998 and amended on April 6, 2004, by Resolution 4527, and Section 10 pertaining to a public art requirement needs to be updated to bring it into compliance with proposed updates to the Woodland Municipal Code; and

WHEREAS, the Planning Commission has determined that the proposed amendments to the Woodland Municipal Code are in general conformance with the Woodland General Plan policies that identify public art as playing an important role in relating the story and identity of the City, specifically within the design of new neighborhood and commercial centers; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Woodland, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby recommend City Council approval of a Public Art Ordinance adding Section 25-21-90 to the Woodland Municipal Code and that it approve a Resolution (**Exhibit B**) amending Section 10 of the Woodland Community Design Standards to reflect the proposed updates to the Woodland Municipal Code pertaining to Public Art requirements.

PASSED AND ADOPTED by the Planning Commission of the City of Woodland at a regular meeting on the 2nd day of November 2017, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Kirby Wells, Chairperson

ATTEST:

_____
Cindy Norris, Principal Planner

EXHIBIT A

[Insert Public Art Ordinance]

EXHIBIT B

City Council Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING SECTION 10 OF THE CITY OF WOODLAND COMMUNITY DESIGN STANDARDS TO REFLECT UPDATES TO THE WOODLAND MUNICIPAL CODE PERTAINING TO PUBLIC ART REQUIREMENTS

WHEREAS, the City Council held a duly noticed public hearing on _____, 2017, to review and consider approval of an ordinance pertaining to Public Art requirements for new development projects throughout the City of Woodland; and

WHEREAS, the City Council finds that public art is a critical element in creating a diverse and culturally rich environment for Woodland residents and visitors by enriching the economic, historical, and aesthetic value of the community; and

WHEREAS, the City Council therefore finds that establishing formal guidelines, standards, and procedures for regularly integrating public art into new construction projects throughout the City is in the public interest and will positively contribute to the general welfare, vitality, and heritage of the City; and

WHEREAS, the proposed adoption of a Public Art Ordinance is Categorically Exempt from CEQA pursuant to Section 15183 and Section 15061 (b)(3) of the CEQA Guidelines. The proposed ordinance provides formal guidelines, standards, and procedures for regularly integrating public art into new construction projects. The ordinance is limited in scope and will not result in substantive regulatory changes that could result in environmental impacts. The amendment is consistent with the policies of the General Plan, covered by the General Plan EIR; and

WHEREAS, the City Council adopted the Woodland Community Design Standards by City Council Resolution 4035, on February 3, 1998, and amended on April 6, 2002, by Resolution 4527, and Section 10 pertaining to a public art requirement needs to be updated to bring it into compliance with proposed updates to the Woodland Municipal Code; and

WHEREAS, the City Council has determined that the proposed amendments to the Woodland Community Design Standards are in general conformance with the Woodland General Plan policies that identify public art as playing an important role in relating the story and identity of the city, specifically within the design of new neighborhood and commercial centers; and

WHEREAS, on October 19, 2017, the Planning Commission voted _____ to recommend City Council approval of the proposed amendments to the Woodland Community Design Standards; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Woodland does adopt the following amendments to the Woodland Community Design Standards:

Section 2. Amendment. Section 10 of the City of Woodland Community Design Standards, Design Standards for Commercial Development is hereby amended to read as follows (double underline shows added text, strikethrough shows deleted text):

Public Art shall be incorporated into non-residential projects subject to the requirements of Section 25-21-90 of the Woodland Municipal Code. ~~Incorporate public art into the development of all commercial and industrial projects. Public art is subject to the review of the Planning Commission or other such body established by the City Council.~~

PASSED AND ADOPTED by the City Council this _____ day of _____, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF WOODLAND

_____
Angel Barajas, Mayor

ATTEST:

_____
Ana Gonzalez, City Clerk

APPROVED AS TO FORM:

_____
Kara K. Ueda, City Attorney

Dated:_____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND ADDING SECTION 25-21-90 TO THE WOODLAND MUNICIPAL CODE RELATED TO PUBLIC ART REQUIREMENTS FOR NEW CONSTRUCTION PROJECTS

WHEREAS, the City of Woodland has a history of valuing public art and striving to incorporate public art into new development projects throughout the City of Woodland; and

WHEREAS, the City Council finds that public art is a critical element in creating a diverse and culturally rich environment for Woodland residents and visitors by enriching the economic, historical, and aesthetic value of the community; and

WHEREAS, the City Council therefore finds that establishing formal guidelines, standards, and procedures for regularly integrating public art into new construction projects throughout the City is in the public interest and will positively contribute to the general welfare, vitality, and heritage of the City; and

WHEREAS, it is the intent of the City Council and the City representatives administering the Public Art Ordinance to support and work collaboratively with project applicants on proposed Public Art installations as a means of enhancing the overall project design in a manner that mutually benefits the project as well as the broader community; and

WHEREAS, the Planning Commission considered amendments to the City's Zoning Ordinance to establish the guidelines, design standards, and procedures for incorporating public art into new construction projects at a duly noticed public hearing on _____, 2017, pursuant to the Woodland Municipal Code; and

WHEREAS, following the public hearing, the Planning Commission adopted a resolution recommending the City Council's adoption of this Ordinance, and the City Council concurs in the recommendation.

NOW, THEREFORE, the City Council of the City of Woodland, California, does hereby ordain as follows:

Section 1. Findings. The above recitals are incorporated as though set forth in this section. Pursuant to Section 25-29-01 of the Woodland Municipal Code, the City Council further finds that the amendments to the Zoning Ordinance contained in this Ordinance are required to further the public benefits gained from incorporating public art into construction projects throughout the City, and that this Ordinance provides critical enrichment to the City's economic, cultural, and

aesthetic quality. As such, this Ordinance is necessary for the public necessity, convenience, and general welfare of the City, its residents, and visitors.

Section 2. Amendment. Section 25-21-90 is hereby added to the Woodland Municipal Code to read as follows:

Section 25-21-90. – Public Art Requirements.

(a) Purpose. The purpose of this Section is to establish clear guidelines, design standards, and procedures for integrating public art into construction projects throughout the City of Woodland. The City has determined that public art is a critical element in providing for a diverse and culturally rich environment for Woodland residents and visitors. Public art fosters economic development and activity and promotes cultural tourism by enlivening the public areas of buildings and expressing the vitality and heritage of the community. A well-conceived work of art can increase the value of a development project as well. Public art may enhance urban revitalization efforts as the overall image, beauty, and livability of the community are enhanced. Accordingly, to achieve these purposes, the City Council has determined that public art should be regularly integrated into new development projects citywide, however, it is the intent of this ordinance that this be a collaborative process between the City representatives and the applicant at all stages of the process with substantial deference to the applicant for how he or she wishes to incorporate public art within the project.

(b) Definitions. The following words and phrases, whenever used in this Section, shall be construed as follows:

"Artist" means a person who has a reputation among his or her peers as a person of artistic excellence, through a record of exhibitions, public commissions, sale of works, or educational attainment, as judged by the design review authority for the project. In determining whether an Artist is qualified for a particular project, the design review authority shall consider the following criteria:

(A) The Artist's demonstrated successful, creative, innovative, and effective approach in comparable projects as that proposed;

(B) Artist's proven mastery or skill in at least one artistic medium;

(C) Artist's ability to complete the project within a reasonable timeframe as judged by the Design Review Authority for the project; and

(D) The Artist's prior experience in producing public art. If an Artist does not have prior experience in producing public art, the Artist shall be considered qualified if he or she has significant experience working as a professional artist as evidenced by the Artist's exhibit record, critical review, honors, and awards.

"Construction Cost" means the total cost of any development project subject to this Section. Calculations shall be based on all aspects of construction and improvement costs, not to include system and operational equipment costs, grading, or sidewalks as declared on all building permit

applications. Building permit applications shall include, but not be limited to, all building, plumbing, mechanical and electrical permit applications for the project.

"Design Review Authority" means the Planning Commission.

"Developer" means the person or entity that is financially and legally responsible for the planning, development, and construction of any development project covered by this Section, who may, or may not, be the owner of the subject property.

"Director" means the Community Development Director, or his or her designee.

"Public Art" means an original work of a permanent nature in any variety of media produced by an Artist that may include sculpture, murals, photography, original works of graphic art, water features, neon, glass, mosaics, or any combination of forms of media, furnishing, or fixtures permanently affixed to the building or its grounds, or a combination thereof, and may include architectural features of the building such as decorative handrails, stained glass, and other functional features that have been enhanced to be visually appealing. Public Art does not include the following:

(A) Art objects that are mass produced of standard design such as playground equipment, benches, statuary objects, or fountains;

(B) Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect (this shall not preclude the architect from being the Artist if such individual meets the definition of "Artist" as provided above);

(C) Landscape architecture and landscape gardening except where these elements are designed by the Artist and are an integral part of the work of art by the Artist;

(D) Directional elements such as super graphics, signage as defined in the City of Woodland Municipal Code, or color-coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions;

(E) Interpretive programs;

(F) Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, print making, or other media arts, specifically commissioned by the City;

(G) Existing works of art offered for sale or donation to the City, which do not have an established and recognized significance as public art among arts professionals and art appraisers as determined by the Design Review Authority;

(H) Logos or corporate identity.

"Public Art Fund" means a fund established and maintained by the City of Woodland for the purpose of acquiring, commissioning, designing, installing, placing, improving, and/or maintaining Public Art.

(c) Public Art Requirement.

(1) Public Art Obligation Calculation. Developers of commercial construction projects, as defined and specified below, shall be subject to the Public Art Requirement as outlined in this Section. The project specific Public Art obligation shall be based on project Construction Costs as defined in this Section and as further outlined below:

(A) Nonresidential Construction. Private nonresidential developments with a construction cost exceeding Three Hundred Fifty Thousand Dollars ($350,000) and subject to site plan or design review approval shall devote an amount of not less than one percent (1%) of the construction cost for Public Art. Construction costs, as defined in this section, shall not include any portion of the project that includes system and operational equipment costs, grading, sidewalk repair or reconstruction, landscape installation, or utility facilities. Any Developer of a nonresidential development project with construction costs that exceed Three Hundred Fifty Thousand Dollars ($350,000.00) may submit a request to the Design Review Authority for a less expensive public art contribution provided that Developer also submits documentation showing that such a contribution would be prohibitively expensive for project delivery.

(B) Public Construction. Public construction projects with a construction cost exceeding Three Hundred Fifty Thousand Dollars ($350,000.00) shall devote an amount of not less than one percent (1%) of the construction cost for Public Art subject to determination of sufficient funding. The construction cost shall be verified by the City Engineer, and the cost shall not include the portion of any project that includes underground public works projects, tree planting, street or sidewalk repair or reconstruction, or utility facilities with the exception of administrative buildings.

(2) Public Art Obligation Satisfaction Options. A Developer may choose one of the following options to satisfy his/her Public Art obligation subject to the review and approval of the Design Review Authority for the project:

(A) Install Public Art on the project site in a public place as approved by the Design Review Authority. The creator of the Public Art shall be an Artist as defined in this Section.

(B) Pay an in-lieu fee in an amount equal to one percent (1%) of the development project construction cost to the Public Art Fund for the creation, acquisition, and placement of Public Art in the City; or

(C) Place the required Public Art on an alternative project site in a location approved by the Design Review Authority.

(d) Exemptions. The following development projects shall not be subject to the requirements of this Section:

(1) Repair or reconstruction of structures that have been damaged by fire, flood, wind, earthquake, or other calamity;

(2) Historic rehabilitation and/or preservation projects -

(3) Seismic retrofits or flood protection work performed on existing buildings and structures that do not otherwise qualify as new construction projects;

(4) Fire sprinkler installation work items as defined in Chapter 9 of the Woodland Municipal Code as part of an existing project;

(5) Solar or other renewable energy installation and energy efficiency upgrades as part of an existing project; and

(6) Infill development projects, either new construction or redevelopment of existing structures, that are located within the Woodland Downtown Specific Plan Area Boundary.

(e) Design and Installation Standards.

(1) General. The Public Art shall relate in terms of scale, form, and material to the proposed project and adjacent buildings with regards to architecture and landscaping style to best complement the project site and its surroundings.

(2) Location.

(A) Public place. The Public Art shall be located in an exterior area on public or private property that is clearly visible to the general public as determined by the Design Review Authority.

(B) Public Art commissioned by the City using the Public Art Fund may be moved from time to time as part of a gallery collection placed in public buildings such as City Hall, the Library, or other publicly accessible facilities.

(3) Maintenance. The Developer shall submit a maintenance plan to the Design Review Authority for review and approval, shall maintain the Public Art, and shall be responsible for all maintenance costs for the duration of the Public Art's placement.

(f) Compliance.

(1) Prior to obtaining a certificate of occupancy, the Developer shall demonstrate compliance with this Section through one of the following:

(A) Completed installation of the required Public Art that satisfies the provisions of this section and any other conditions specified by the Design Review Authority's approval;

(B) Payment of the applicable in-lieu fee as outlined in Section (c)(2); or

(C) Written proof submitted to the Director of a contract to commission or purchase and install the required Public Art that was approved by the Design Review Authority for the development project. A performance security, in an amount and form determined by the Director, shall accompany such contract to adequately secure performance of the required Public Art.

(g) Public Art Fund. Public Art in-lieu contributions shall be placed into the Public Art Fund within the City's General Fund, and maintained, managed, and reviewed by the Director. The Public Art Fund shall be used solely to acquire, commission, design, install, place, improve, and maintain Public Art throughout the City, consistent with the purpose and objectives of this Section. A reasonable percentage of the Public Art Fund may be allocated for project administration, management and curatorial services as well as the preservation and maintenance of artworks in the City art collection. The City Council shall review the Public Art Fund as part of its annual budget review, and approve allocations of Public Art Funds upon the recommendation of the Director or the Design Review Authority. Allocation of Public Art Funds shall consider available reserves for ongoing maintenance of City owned Public Art. City Council shall approve all Public Art projects undertaken through the Public Art Fund upon the recommendation of the Planning Commission acting as the Design Review Authority, unless and until the City Council designates or appoints a different body or subcommittee to serve as the Design Review Authority.

(h) Developer's Pre-Application Proposal.

(1) Developer's Proposal. For each construction project subject to this Section's requirements, the Developer shall propose to the Director and the Design Review Authority one or more of the methods for the provision of Public Art described in subsection (c) Public Art Requirements, above.

(2) Pre-Application Meeting. Following submission of the Developer's Proposal, a pre-application meeting with the Developer, Director and the Design Review Authority is recommended for newly proposed Public Art to review the Proposal and development requirements and design and location standards for the type of Public Art proposed, and to ensure a qualified Artist is used. When available, it is recommended that the Applicant provide preliminary site plan and visual impact drawings to aide in the pre-applicant review process. These meetings are voluntary, and no fees shall be paid for the city's review of material provided at this stage.

(3) Review of Pre-Application Developer's Proposal. The Director and Design Review Authority shall review and respond to the Developer's proposal, if necessary, by recommending modifications to the proposed Application.

(i) Applications for Public Art Review. Form and content.

(1) Form and Content. A proposal for all new Public Art installations shall be processed upon the application of the Developer or its agent, subject to the following:

(A) Developer shall file a completed application with the Director in a manner prescribed by the city and, as applicable, shall submit an environmental review form.

(B) Developer shall submit a vicinity map or site plan depicting the proposed Public Art installation location and dimensions.

(C) Developer shall submit photographs and/or elevations of the buildings located on site or those approved for development on-site.

(D) The Director will verify that the Public Art will not interfere with use of other adjacent buildings or facilities, pedestrian access to public sidewalks, or public safety.

(E) When applicable, Developer shall submit material samples, color boards, photo simulations, or other graphic illustrations necessary for the Design Review Authority to determine potential visual impact of the proposed project, and the Public Art's style, scale, and design as compared to the project and surrounding buildings. The visual representation shall show the proposed Public Art as it would be seen from surrounding properties from various perspectives.

(F) Developer shall submit the proposed Artist's qualifications.

(G) Developer shall submit a proposed maintenance plan for the Public Art.

(H) Developer shall submit all required processing and application fees. Such fees may be set and amended by resolution of the City Council.

(j) Approval for Public Art Applications. All public art proposals shall be reviewed by staff as part of the review process with a recommendation incorporated in the overall project staff report. The Planning Commission shall review the public art component of the project as part of its consideration of the overall project in those cases where the applicant elects to submit an art installation for approval. The Design Review Authority shall determine if the proposed public art complies with the requirements of this Section, and shall approve or require resubmission with recommended modifications or conditions for approval based on the Findings for Approval.

(3) Findings for Approval for Public Art Applications.

(A) The proposal meets or exceeds the criteria of this Section and is consistent with the general plan and applicable land use designations.

(B) The Public Art is consistent and compatible in its size, design, and appearance with the development and design of the proposed project and surrounding structures and neighborhood.

(C) That the Public Art will be adequately maintained so as to ensure and preserve its purpose as a permanent piece of Public Art in the City.

(4) Appeals. Any person dissatisfied with the decision to either approve, modify or deny an application for Public Art, may file an appeal in accordance with the procedures set forth in either Article 27 or 31 of Chapter 25, as applicable.

Section 3. **Severability.** If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

Section 4. **Effective Date and Notice.** This Ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Woodland.

PASSED AND ADOPTED by the City Council this _____ day of _____ 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Angel Barajas, Mayor

ATTEST:

_____
Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

_____
Kara K. Ueda, City Attorney

"TRACK CHANGES" VERSION

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND ADDING SECTION 25-21-90 TO THE WOODLAND MUNICIPAL CODE RELATED TO PUBLIC ART REQUIREMENTS FOR NEW CONSTRUCTION PROJECTS

WHEREAS, the City of Woodland has a history of valuing public art and striving to incorporate public art into new development projects throughout the City of Woodland; and

WHEREAS, the City Council finds that public art is a critical element in creating a diverse and culturally rich environment for Woodland residents and visitors by enriching the economic, historical, and aesthetic value of the community; and

WHEREAS, the City Council therefore finds that establishing formal guidelines, standards, and procedures for regularly integrating public art into new construction projects throughout the City is in the public interest and will positively contribute to the general welfare, vitality, and heritage of the City; and

WHEREAS, it is the intent of the City Council and the City representatives administering the Public Art Ordinance to support and work collaboratively with project applicants on proposed Public Art installations as a means of enhancing the overall project design in a manner that mutually benefits the project as well as the broader community; and

WHEREAS, the Planning Commission considered amendments to the City's Zoning Ordinance to establish the guidelines, design standards, and procedures for incorporating public art into new construction projects at a duly noticed public hearing on _____, 2017, pursuant to the Woodland Municipal Code; and

WHEREAS, following the public hearing, the Planning Commission adopted a resolution recommending the City Council's adoption of this Ordinance, and the City Council concurs in the recommendation.

NOW, THEREFORE, the City Council of the City of Woodland, California, does hereby ordain as follows:

Section 1. Findings. The above recitals are incorporated as though set forth in this section. Pursuant to Section 25-29-01 of the Woodland Municipal Code, the City Council further finds that the amendments to the Zoning Ordinance contained in this Ordinance are required to further the public benefits gained from incorporating public art into construction projects throughout the

City, and that this Ordinance provides critical enrichment to the City's economic, cultural, and aesthetic quality. As such, this Ordinance is necessary for the public necessity, convenience, and general welfare of the City, its residents, and visitors.

Section 2. Amendment. Section 25-21-90 is hereby added to the Woodland Municipal Code to read as follows:

Section 25-21-90. – Public Art Requirements.

(a) Purpose. The purpose of this Section is to establish clear guidelines, design standards, and procedures for integrating public art into construction projects throughout the City of Woodland. The City has determined that public art is a critical element in providing for a diverse and culturally rich environment for Woodland residents and visitors. Public art fosters economic development and activity and promotes cultural tourism by enlivening the public areas of buildings and expressing the vitality and heritage of the community. A well-conceived work of art can increase the value of a development project as well. Public art may enhance urban revitalization efforts as the overall image, beauty, and livability of the community are enhanced. Accordingly, to achieve these purposes, the City Council has determined that public art should be regularly integrated into new development projects citywide, however, it is the intent of this ordinance that this be a collaborative process between the City representatives and the applicant at all stages of the process with substantial deference to the applicant for how he or she wishes to incorporate public art within the project.

(b) Definitions. The following words and phrases, whenever used in this Section, shall be construed as follows:

"Artist" means a person who has a reputation among his or her peers as a person of artistic excellence, through a record of exhibitions, public commissions, sale of works, or educational attainment, as judged by the design review authority for the project. In determining whether an Artist is qualified for a particular project, the design review authority shall consider the following criteria:

(A) The Artist's demonstrated successful, creative, innovative, and effective approach in comparable projects as that proposed;

(B) Artist's proven mastery or skill in at least one artistic medium;

(C) Artist's ability to complete the project within a reasonable timeframe as judged by the Design Review Authority for the project; and

(D) The Artist's prior experience in producing public art. If an Artist does not have prior experience in producing public art, the Artist shall be considered qualified if he or she has significant experience working as a professional artist as evidenced by the Artist's exhibit record, critical review, honors, and awards.

"Construction Cost" means the total cost of any development project subject to this Section. Calculations shall be based on all aspects of construction and improvement costs, not to include system and operational equipment costs, grading, or sidewalks as declared on all building permit applications. Building permit applications shall include, but not be limited to, all building, plumbing, mechanical and electrical permit applications for the project.

"Design Review Authority" means the Planning Commission.

"Developer" means the person or entity that is financially and legally responsible for the planning, development, and construction of any development project covered by this Section, who may, or may not, be the owner of the subject property.

"Director" means the Community Development Director, or his or her designee.

"Public Art" means an original work of a permanent nature in any variety of media produced by an Artist that may include sculpture, murals, photography, original works of graphic art, water features, neon, glass, mosaics, or any combination of forms of media, furnishing, or fixtures permanently affixed to the building or its grounds, or a combination thereof, and may include architectural features of the building such as decorative handrails, stained glass, and other functional features that have been enhanced to be visually appealing. Public Art does not include the following:

(A) Art objects that are mass produced of standard design such as playground equipment, benches, statuary objects, or fountains;

(B) Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect (this shall not preclude the architect from being the Artist if such individual meets the definition of "Artist" as provided above);

(C) Landscape architecture and landscape gardening except where these elements are designed by the Artist and are an integral part of the work of art by the Artist;

(D) Directional elements such as super graphics, signage as defined in the City of Woodland Municipal Code, or color-coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions;

(E) Interpretive programs;

(F) Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, print making, or other media arts, specifically commissioned by the City;

(G) Existing works of art offered for sale or donation to the City, which do not have an established and recognized significance as public art among arts professionals and art appraisers as determined by the Design Review Authority;

(H) Logos or corporate identity.

"Public Art Fund" means a fund established and maintained by the City of Woodland for the purpose of acquiring, commissioning, designing, installing, placing, improving, and/or maintaining Public Art.

(c) Public Art Requirement. **The formatting of the following two sections (c)(1) and (2) have been modified to provide a more clear distinction and clarification between the public art obligation amount (or "calculation") and the options available for satisfying that obligation.**

(1) Public Art Obligation Calculation. Developers of commercial construction projects, as defined and specified below, shall be subject to the Public Art Requirement as outlined in this Section. The project specific Public Art obligation shall be based on project Construction Costs as defined in this Section and as further outlined below:

(A) Nonresidential Construction. Private nonresidential developments with a construction cost exceeding Three Hundred Fifty Thousand Dollars ($350,000) and subject to site plan or design review approval shall devote an amount of not less than one percent (1%) of the construction cost for Public Art. Construction costs, as defined in this section, shall not include any portion of the project that includes system and operational equipment costs, grading, sidewalk repair or reconstruction, landscape installation, or utility facilities. Any Developer of a nonresidential development project with construction costs that exceed Three Hundred Fifty Thousand Dollars ($350,000.00) may submit a request to the Design Review Authority for a less expensive public art contribution provided that Developer also submits documentation showing that such a contribution would be prohibitively expensive for project delivery.

(B) Public Construction. Public construction projects with a construction cost exceeding Three Hundred Fifty Thousand Dollars ($350,000.00) shall devote an amount of not less than one percent (1%) of the construction cost for Public Art subject to determination of sufficient funding. The construction cost shall be verified by the City Engineer, and the cost shall not include the portion of any project that includes underground public works projects, tree planting, street or sidewalk repair or reconstruction, or utility facilities with the exception of administrative buildings.

(2) Public Art Obligation Satisfaction Options. A Developer may choose one of the following options to satisfy his/her Public Art obligation subject to the review and approval of the Design Review Authority for the project:

(A) Install Public Art on the project site in a public place as approved by the Design Review Authority. The creator of the Public Art shall be an Artist as defined in this Section.

(B) Pay an in-lieu fee in an amount equal to one percent (1%) of the development project construction cost to the Public Art Fund for the creation, acquisition, and placement of Public Art in the City; or

(C) Place the required Public Art on an alternative project site in a location approved by the Design Review Authority.

(d) Exemptions. The following development projects shall not be subject to the requirements of this Section:

(1) Repair or reconstruction of structures that have been damaged by fire, flood, wind, earthquake, or other calamity;

(2) Historic rehabilitation and/or preservation projects -

(3) Seismic retrofits or flood protection work performed on existing buildings and structures that do not otherwise qualify as new construction projects;

(4) Fire sprinkler installation work items as defined in Chapter 9 of the Woodland Municipal Code as part of an existing project;

(5) Solar or other renewable energy installation and energy efficiency upgrades as part of an existing project; and

(6) Infill development projects, either new construction or redevelopment of existing structures, that are located within the Woodland Downtown Specific Plan Area Boundary.

(e) Design and Installation Standards.

(1) General. The Public Art shall relate in terms of scale, form, and material to the proposed project and adjacent buildings with regards to architecture and landscaping style to best complement the project site and its surroundings.

(2) Location.

(A) Public place. The Public Art shall be located in an exterior area on public or private property that is clearly visible to the general public as determined by the Design Review Authority.

(B) Public Art commissioned by the City using the Public Art Fund may be moved from time to time as part of a gallery collection placed in public buildings such as City Hall, the Library, or other publicly accessible facilities.

(3) Maintenance. The Developer shall submit a maintenance plan to the Design Review Authority for review and approval, shall maintain the Public Art, and shall be responsible for all maintenance costs for the duration of the Public Art's placement.

(f) Compliance.

(1) Prior to obtaining a certificate of occupancy, the Developer shall demonstrate compliance with this Section through one of the following:

(A) Completed installation of the required Public Art that satisfies the provisions of this section and any other conditions specified by the Design Review Authority's approval;

(B) Payment of the applicable in-lieu fee as outlined in Section (c)(2); or

(C) Written proof submitted to the Director of a contract to commission or purchase and install the required Public Art that was approved by the Design Review Authority for the development project. A performance security, in an amount and form determined by the Director, shall accompany such contract to adequately secure performance of the required Public Art.

(g) Public Art Fund. Public Art in-lieu contributions shall be placed into the Public Art Fund within the City's General Fund, and maintained, managed, and reviewed by the Director. The Public Art Fund shall be used solely to acquire, commission, design, install, place, improve, and maintain Public Art throughout the City, consistent with the purpose and objectives of this Section. A reasonable percentage of the Public Art Fund may be allocated for project administration, management and curatorial services as well as the preservation and maintenance of artworks in the City art collection. The City Council shall review the Public Art Fund as part of its annual budget review, and approve allocations of Public Art Funds upon the recommendation of the Director or the Design Review Authority. Allocation of Public Art Funds shall consider available reserves for ongoing maintenance of City owned Public Art. City Council shall approve all Public Art projects undertaken through the Public Art Fund upon the recommendation of the Planning Commission acting as the Design Review Authority, unless and until the City Council designates or appoints a different body or subcommittee to serve as the Design Review Authority.

(h) Developer's Pre-Application Proposal.

(1) Developer's Proposal. For each construction project subject to this Section's requirements, the Developer shall propose to the Director and the Design Review Authority one or more of the methods for the provision of Public Art described in subsection (c) Public Art Requirements, above.

(2) Pre-Application Meeting. Following submission of the Developer's Proposal, a pre-application meeting with the Developer, Director and the Design Review Authority is recommended for newly proposed Public Art to review the Proposal and development requirements and design and location standards for the type of Public Art proposed, and to ensure a qualified Artist is used. When available, it is recommended that the Applicant provide preliminary site plan and visual impact drawings to aide in the pre-applicant review process. These meetings are voluntary, and no fees shall be paid for the city's review of material provided at this stage.

(3) Review of Pre-Application Developer's Proposal. The Director and Design Review Authority shall review and respond to the Developer's proposal, if necessary, by recommending modifications to the proposed Application.

(i) Applications for Public Art Review. Form and content.

(1) Form and Content. A proposal for all new Public Art installations shall be processed upon the application of the Developer or its agent, subject to the following:

(A) Developer shall file a completed application with the Director in a manner prescribed by the city and, as applicable, shall submit an environmental review form.

(B) Developer shall submit a vicinity map or site plan depicting the proposed Public Art installation location and dimensions.

(C) Developer shall submit photographs and/or elevations of the buildings located on site or those approved for development on-site.

(D) The Director will verify that the Public Art will not interfere with use of other adjacent buildings or facilities, pedestrian access to public sidewalks, or public safety.

(E) When applicable, Developer shall submit material samples, color boards, photo simulations, or other graphic illustrations necessary for the Design Review Authority to determine potential visual impact of the proposed project, and the Public Art's style, scale, and design as compared to the project and surrounding buildings. The visual representation shall show the proposed Public Art as it would be seen from surrounding properties from various perspectives.

(F) Developer shall submit the proposed Artist's qualifications.

(G) Developer shall submit a proposed maintenance plan for the Public Art.

(H) Developer shall submit all required processing and application fees. Such fees may be set and amended by resolution of the City Council.

(j) Approval for Public Art Applications. All public art proposals shall be reviewed by staff as part of the review process with a recommendation incorporated in the overall project staff report. The Planning Commission shall review the public art component of the project as part of its consideration of the overall project in those cases where the applicant elects to submit an art installation for approval. The Design Review Authority shall determine if the proposed public art complies with the requirements of this Section, and shall approve or require resubmission with recommended modifications or conditions for approval based on the Findings for Approval.

(3) Findings for Approval for Public Art Applications.

(A) The proposal meets or exceeds the criteria of this Section and is consistent with the general plan and applicable land use designations.

(B) The Public Art is consistent and compatible in its size, design, and appearance with the development and design of the proposed project and surrounding structures and neighborhood.

(C) That the Public Art will be adequately maintained so as to ensure and preserve its purpose as a permanent piece of Public Art in the City.

(4) Appeals. Any person dissatisfied with the decision to either approve, modify or deny an application for Public Art, may file an appeal in accordance with the procedures set forth in either Article 27 or 31 of Chapter 25, as applicable.

Section 3. Severability. If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

Section 4. Effective Date and Notice. This Ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Woodland.

PASSED AND ADOPTED by the City Council this _____ day of _____ 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Angel Barajas, Mayor

ATTEST:

_____
Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

_____
Kara K. Ueda, City Attorney

City of Woodland

Planning Commission

Public Art Ordinance. Approval of Public Art Ordinance and Related Consistency Amendments.

Location: Applicable citywide.

Environmental Report: Statutorily Exempt

Project Planner: Erika Bumgardner, Senior Planner

Staff Recommendation: Recommend City Council Approval

Report For: Planning Commission Public Hearing – August 17, 2017

Pending/Potential Action

Staff recommends that the Planning Commission take action on the following:

1) Receive the staff report;
2) Conduct the public hearing;
3) Adopt Resolution No. PC17-_____, recommending City Council approval of the attached Public Art Ordinance and related consistency amendments including amending the Community Design Standards, Design Standards for Commercial Development Section 10, to reference the Public Art Ordinance.

Background

In February 1998, the City adopted the citywide Community Design Standards which includes the following provision pertaining to public art:

"Incorporate public art into the development of all commercial and industrial projects. Public art is subject to the review of the Planning Commission or other such body established by the City Council."

While the requirement for public art is clear, this provision provides no direction to project applicants or to staff on what is expected in terms of style, size, location, cost, etc. In implementing this policy over the past several years, staff finds most project applicants amenable to the idea of incorporating public art into their project, but frustrated with the lack of guidance this provision provides. Staff also finds that most project applicants would rather pay a public art in-lieu fee than provide the public art themselves as this requirement is outside of the wheelhouse of most project developers.

As such, in partnership the Planning Commission, staff has prepared a Public Art Ordinance to clarify when public art is required, what qualifies as public art, as well as the review and approval process. In crafting the proposed ordinance, staff researched a number of cities similar in size to Woodland, to ensure proposed requirements were not overly burdensome to project applicants and where generally consistent with those requirements of similarly sized and thriving cities.

Project Description

Public art is a critical element in providing for a diverse and culturally rich environment for Woodland residents and visitors. Public art fosters economic development and activity and promotes cultural tourism by enlivening the public areas of buildings and expressing the vitality and heritage of the community. A well-conceived work of art can increase the value of a development project as well. Public art may enhance urban revitalization efforts as the overall image, beauty, and livability of the community is enhanced. Accordingly, to achieve these goals, the Planning Commission requested that staff prepare a draft Public Art Ordinance to establish guidelines, design standards, and procedures for integrating public art into construction projects throughout the City of Woodland. The draft ordinance is provided as Attachment 2 to this report.

The following is a summary of the key provisions of the proposed Public Art Ordinance:

Public Art Definition. Staff, in consultation with the Public Art Subcommittee and based on similar criteria used by YoloArts, recommends the following definition of "Public Art" for the purposes of providing clear direction to project applicants and to allow for the objective evaluation of a proposed art installation: *Public Art means an original work of a permanent nature in any variety of media produced by an Artist that may include sculpture, murals, photography, original works of graphic art, water features, neon, glass, mosaics, or any combination of forms of media, furnishing, or fixtures permanently affixed to the building or its grounds, or a combination thereof, and may include architectural features of the building such as decorative handrails, stained glass, and other functional features that have been enhanced to be visually appealing*.

Public Art <u>does not</u> include the following:

(A) Art objects that are mass produced of standard design such as playground equipment, benches, statuary objects, or fountains;

(B) Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect (this shall not preclude the architect from being the Artist if such individual meets the definition of "Artist" as provided below);

(C) Landscape architecture and landscape gardening except where these elements are designed by the Artist and are an integral part of the work of art by the Artist;

(D) Directional elements such as graphics, logos, signage as defined in the City of Woodland Municipal Code, except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions;

(E) Interpretive programs;

(F) Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, print making, or other media arts, specifically commissioned by the City;

(G) Existing works of art offered for sale or donation to the City, which do not have an established and recognized significance as public art among arts professionals and art appraisers as determined by the Design Review Authority;

(H) Logos or corporate identity.

Artist Definition. "Artist" is defined as a person who has a reputation among his or her peers as a person of artistic excellence, through a record of exhibitions, public commissions, sale of works, or educational attainment, as judged by the design review authority for the project.

In determining whether an Artist is qualified for a particular project, the design review authority shall consider the following criteria:

(A) The Artist's demonstrated successful, creative, innovative, and effective approach in comparable projects as that proposed;

(B) Artist's proven mastery or skill in at least one artistic medium;

(C) Artist's ability to complete the project within a reasonable timeframe as judged by the Design Review Authority for the project; and

(D) The Artist's prior experience in producing public art. If an Artist does not have prior experience in producing public art, the Artist shall be considered qualified if he or she has at least 5 years of experience working as a professional artist as evidenced by the Artist's exhibit record, critical review, honors, and awards.

Public Art Requirement. Developers of new construction projects as defined and specified below, shall install Public Art on the project site in a public place as approved by the Design Review Authority – *the Planning Commission shall serve as the Design Review Authority until such time that the City Council designates or appoints a different body or subcommittee to serve as the Design Review Authority for Public Art*.

(A) Nonresidential. Private nonresidential developments with a construction cost exceeding Two Hundred Fifty Thousand Dollars ($250,000) and subject to site plan or design review approval shall devote an amount of not less than one percent (1%) of the construction cost for Public Art on the development site. Any Developer of a nonresidential development project with construction costs that exceed Two Hundred Fifty Thousand Dollars ($250,000.00) may submit a request to the Design Review Authority for a lower public art in-lieu fee provided that Developer also submits documentation showing that such a fee would be prohibitively expensive for project delivery.

(B) Public Construction. Public construction projects with a construction cost exceeding Five Hundred Thousand Dollars ($500,000.00) shall devote an amount of not less than one percent (1%) of the construction cost for Public Art on the development site subject to determination of sufficient funding. The construction cost shall be verified by the City Engineer, and the cost shall not include the portion of any project that includes underground public works projects, tree planting, street or sidewalk repair or reconstruction, or utility facilities with the exception of administrative buildings.

Alternative compliance. A Developer may do the following as an alternative to installing Public Art on-site, provided that the Design Review Authority for the project has approved the alternative:

(A) Pay an in-lieu fee in an amount equal to one percent (1%) of the development project construction cost to the Public Art Fund for the creation, acquisition, and placement of Public Art in the City; or

(B) Place the required Public Art on an alternative project site in a location approved by the Design Review Authority.

Exceptions. The following development projects shall not be subject to the requirements of the Public Art Ordinance:

(1) Repair or reconstruction of structures that have been damaged by fire, flood, wind, earthquake, or other calamity;

(2) Historic rehabilitation and/or preservation projects with a construction cost less than Five Hundred Thousand Dollars ($500,000);

(3) Seismic retrofits or flood protection work performed on existing buildings and structures that do not otherwise qualify as new construction projects;

(4) Fire sprinkler installation work items as defined by this Code as part of an existing project;

(5) Solar or other renewable energy installation and energy efficiency upgrades as part of an existing project; and

(6) Infill development projects with a residential component within the Downtown District as outlined within the City of Woodland Downtown Specific Plan.

Maintenance of Public Art. The Developer and/or property owner shall submit a maintenance plan to the Design Review Authority for review and approval prior to approval of the proposed artwork and shall be responsible for all maintenance costs for the duration of the Public Art's placement.

Public Art Fund. Public Art in-lieu contributions will be placed into a Public Art Fund within the City's General Fund, and maintained, managed, and reviewed by the Community Development Director ("Director"). The Public Art Fund shall be used solely to acquire, commission, design, install, place, improve, and maintain Public Art throughout the City, consistent with the purpose and objectives of this Section. A reasonable percentage of the Public Art Fund, as set forth in regulations that may be promulgated by the Director from time to time, may be used for project administration, management and curatorial services as well as the preservation and maintenance of artworks in the City art collection.

The City Council shall review the Public Art Fund as part of its annual budget review, and approve allocations of Public Art Funds upon the recommendation of the Director or the Design Review Authority. Allocation of Public Art Funds shall consider available reserves for ongoing maintenance of City owned Public Art. City Council shall approve all Public Art projects undertaken through the Public Art Fund upon the recommendation of the Planning Commission acting as the Design Review Authority, unless and until the City Council designates or appoints a different body or subcommittee to serve as the Design Review Authority for Public Art.

Application and Review Process. A proposal for all new Public Art installations shall be processed upon the application of the Developer or its agent, subject to the following:

(A) Developer shall file a completed application with the Director in a manner prescribed by the city and, as applicable, shall submit an environmental review form.

(B) Developer shall submit a vicinity map or site plan depicting the proposed Public Art installation location and dimensions.

(C) Developer shall submit photographs and/or elevations of the buildings located on site or those approved for development on-site.

(D) The Director will verify that the Public Art will not interfere with use of other adjacent buildings or facilities, pedestrian access to public sidewalks, or public safety.

(E) When applicable, Developer shall submit material samples, color boards, photo simulations, or other graphic illustrations necessary for the Design Review Authority to determine potential visual impact of the proposed project, and the Public Art's style, scale, and design as compared to the project and surrounding buildings. The visual representation shall show the proposed Public Art as it would be seen from surrounding properties from various perspectives.

(F) Developer shall submit the proposed Artist's qualifications.

(G) Developer shall submit a proposed maintenance plan for the Public Art.

(H) Developer shall submit all required processing and application fees. Such fees may be set and amended by resolution of the City Council.

The Director and the Design Review Authority shall review the Developer's application, determine if it complies with the requirements of this Section, and shall approve or require resubmission with recommended modifications or conditions for approval based on the following Findings for Approval:

(A) The proposal meets or exceeds the criteria of this Section and is consistent with the general plan and applicable land use designations.

(B) The Public Art is consistent and compatible in its size, design, and appearance with the development and design of the proposed project and surrounding structures and neighborhood.

(C) That the Public Art will be adequately maintained so as to ensure and preserve its purpose as a permanent piece of Public Art in the City.

GENERAL PLAN CONSISTENCY

The proposed Public Art Ordinance furthers the city's community design goals and policies that identify public art as playing an important role in relating the story and identity of the city, specifically within the design of new neighborhood and commercial centers.

AMENDMENTS AND ZONE CHANGES

Article 29 of the Zoning Regulations commencing with Section 25-29-01 addresses zoning changes. The Planning Commission shall hold a public hearing on any such proposed rezoning. Notice of the time and place of said hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least ten (10) calendar days prior to the hearing. After the public hearing, the Planning Commission shall render its decision in the form of a written recommendation to the City Council. If, from the facts presented at the public hearing, the Commission is satisfied that the proposed change conforms to the General Plan, the Commission may recommend such change to the City Council.

Public Notification

Public notice advertising for the public hearing on this project was prepared by the Community Development Department in accordance with notification procedures set forth in the City of Woodland's Municipal Code and State Planning Law. On August 5, 2017, the City published notice of the Planning Commission's consideration of the proposed ordinance in a 1/8th page advertisement in the Woodland Daily Democrat.

Copies of the factual staff report for the proposed project have been on file at City Hall since August 11, 2017.

Environmental Assessment Status

The proposed adoption of a Public Art Ordinance is Categorically Exempt from CEQA pursuant to Section 15183 and Section 15061 (b)(3) of the CEQA Guidelines. The proposed ordinance provides formal guidelines, standards, and procedures for regularly integrating public art into new construction projects. The ordinance is limited in scope and will not result in substantive regulatory changes that could result in environmental impacts. The amendment is consistent with the policies of the General Plan, covered by the General Plan EIR.

Recommendation

Staff recommends that the Planning Commission take action on the following:

1) Receive the staff report;
2) Conduct the public hearing;
3) Adopt Resolution No. PC17-_____, recommending City Council approval of the attached Public Art Ordinance and related consistency amendments including amending the Community Design Standards, Design Standards for Commercial Development Section 10, to reference the Public Art Ordinance.

ATTACHMENTS:

Attachment 1 – Planning Commission Resolution
Attachment 2 – Public Art Ordinance

RESOLUTION NO. PC 17-_____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WOODLAND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE ADDING SECTION 25-21-90 TO THE WOODLAND MUNICIPAL CODE RELATED TO PUBLIC ART REQUIREMENTS FOR NEW CONSTRUCTION PROJECTS

WHEREAS, the Woodland Planning Commission held a duly noticed public hearing on August 17, 2017, to review and consider recommending to the City Council approval of the proposed Ordinance pertaining to Public Art requirements for new development projects throughout the City of Woodland; and

WHEREAS, the Planning Commission finds that public art is a critical element in creating a diverse and culturally rich environment for Woodland residents and visitors by enriching the economic, historical, and aesthetic value of the community; and

WHEREAS, the Planning Commission therefore finds that establishing formal guidelines, standards, and procedures for regularly integrating public art into new construction projects throughout the City is in the public interest and will positively contribute to the general welfare, vitality, and heritage of the City; and

WHEREAS, the proposed adoption of a Public Art Ordinance is Categorically Exempt from CEQA pursuant to Section 15183 and Section 15061 (b)(3) of the CEQA Guidelines. The proposed ordinance provides formal guidelines, standards, and procedures for regularly integrating public art into new construction projects. The ordinance is limited in scope and will not result in substantive regulatory changes that could result in environmental impacts. The amendment is consistent with the policies of the General Plan, covered by the General Plan EIR; and

WHEREAS, the Planning Commission has determined that the proposed amendments to the Woodland Municipal Code are in general conformance with the Woodland General Plan policies that identify public art as playing an important role in relating the story and identity of the city, specifically within the design of new neighborhood and commercial centers; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Woodland, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby recommend City Council approval of a Public Art Ordinance adding Section 25-21-90 to the Woodland Municipal Code and related consistency amendments including amending the Community Design Standards,

Design Standards for Commercial Development Section 10, to reference the Public Art Ordinance.

PASSED AND ADOPTED by the Planning Commission of the City of Woodland at a regular meeting on the 17th day of August 2017, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Kirby Wells, Chairperson

ATTEST:

Cindy Norris, Principal Planner

EXHIBIT A

[Insert Public Art Ordinance]

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND ADDING SECTION 25-21-90 TO THE WOODLAND MUNICIPAL CODE RELATED TO PUBLIC ART REQUIREMENTS FOR NEW CONSTRUCTION PROJECTS

WHEREAS, the City of Woodland has a history of valuing public art and striving to incorporate public art into new development projects throughout the City of Woodland; and

WHEREAS, the City Council finds that public art is a critical element in creating a diverse and culturally rich environment for Woodland residents and visitors by enriching the economic, historical, and aesthetic value of the community; and

WHEREAS, the City Council therefore finds that establishing formal guidelines, standards, and procedures for regularly integrating public art into new construction projects throughout the City is in the public interest and will positively contribute to the general welfare, vitality, and heritage of the City; and

WHEREAS, the Planning Commission considered amendments to the City's Zoning Ordinance to establish the guidelines, design standards, and procedures for incorporating public art into new construction projects at a duly noticed public hearing on August 17, 2017, pursuant to the Woodland Municipal Code; and

WHEREAS, following the public hearing, the Planning Commission adopted a resolution recommending the City Council's adoption of this Ordinance, and the City Council concurs in the recommendation.

NOW, THEREFORE, the City Council of the City of Woodland, California, does hereby ordain as follows:

Section 1. Findings. The above recitals are incorporated as though set forth in this section. Pursuant to Section 25-29-01 of the Woodland Municipal Code, the City Council further finds that the amendments to the Zoning Ordinance contained in this Ordinance are required to further the public benefits gained from incorporating public art into construction projects throughout the City, and that this Ordinance provides critical enrichment to the City's economic, cultural, and aesthetic quality. As such, this Ordinance is necessary for the public necessity, convenience, and general welfare of the City, its residents, and visitors.

Section 2. Amendment. Section 10 of the City of Woodland Community Design Standards, Design Standards for Commercial Development is hereby amended to read as follows (double underline shows added text, strikethrough shows deleted text):

Public Art shall be incorporated into commercial and industrial projects subject to the requirements of Section 25-21-90 of the Woodland Municipal Code. ~~Incorporate public art into the development of all commercial and industrial projects. Public art is subject to the review of the Planning Commission or other such body established by the City Council.~~

Section 3. Amendment. Section 25-21-90 is hereby added to the Woodland Municipal Code to as follows:

Section 25-21-90. – Public Art Requirements.

(a) Purpose. The purpose of this Section is to establish guidelines, design standards, and procedures for integrating public art into construction projects throughout the City of Woodland. The City has determined that public art is a critical element in providing for a diverse and culturally rich environment for Woodland residents and visitors. Public art fosters economic development and activity and promotes cultural tourism by enlivening the public areas of buildings and expressing the vitality and heritage of the community. A well-conceived work of art can increase the value of a development project as well. Public art may enhance urban revitalization efforts as the overall image, beauty, and livability of the community are enhanced. Accordingly, to achieve these goals, the City Council has determined that public art should be regularly integrated into new development projects citywide.

(b) Definitions. The following words and phrases, whenever used in this Section, shall be construed as follows:

"Artist" means a person who has a reputation among his or her peers as a person of artistic excellence, through a record of exhibitions, public commissions, sale of works, or educational attainment, as judged by the design review authority for the project. In determining whether an Artist is qualified for a particular project, the design review authority shall consider the following criteria:

(A) The Artist's demonstrated successful, creative, innovative, and effective approach in comparable projects as that proposed;

(B) Artist's proven mastery or skill in at least one artistic medium;

(C) Artist's ability to complete the project within a reasonable timeframe as judged by the Design Review Authority for the project; and

(D) The Artist's prior experience in producing public art. If an Artist does not have prior experience in producing public art, the Artist shall be considered qualified if he or she has at least 5 years of experience working as a professional artist as evidenced by the Artist's exhibit record, critical review, honors, and awards.

"Construction Cost" means the total cost of any development project subject to this Section. Calculations shall be based on all aspects of construction and improvement costs, not to include system and operational equipment costs and/or tenant improvements, as declared on all building permit applications. Building permit applications shall include, but not be limited to, all grading, building, plumbing, mechanical and electrical permit applications for the project.

"Design Review Authority" means the Planning Commission, unless and until the City Council designates or appoints a different body or subcommittee to serve as the Design Review Authority for Public Art.

"Developer" means the person or entity that is financially and legally responsible for the planning, development, and construction of any development project covered by this Section, who may, or may not, be the owner of the subject property.

"Director" means the Community Development Director, or his or her designee.

"Public Art" means an original work of a permanent nature in any variety of media produced by an Artist that may include sculpture, murals, photography, original works of graphic art, water features, neon, glass, mosaics, or any combination of forms of media, furnishing, or fixtures permanently affixed to the building or its grounds, or a combination thereof, and may include architectural features of the building such as decorative handrails, stained glass, and other functional features that have been enhanced to be visually appealing. Public Art does not include the following:

(A) Art objects that are mass produced of standard design such as playground equipment, benches, statuary objects, or fountains;

(B) Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect (this shall not preclude the architect from being the Artist if such individual meets the definition of "Artist" as provided above);

(C) Landscape architecture and landscape gardening except where these elements are designed by the Artist and are an integral part of the work of art by the Artist;

(D) Directional elements such as graphics, logos, signage as defined in the City of Woodland Municipal Code, except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions;

(E) Interpretive programs;

(F) Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, print making, or other media arts, specifically commissioned by the City;

(G) Existing works of art offered for sale or donation to the City, which do not have an established and recognized significance as public art among arts professionals and art appraisers as determined by the Design Review Authority;

(H) Logos or corporate identity.

"Public Art Fund" means a fund established and maintained by the City of Woodland for the purpose of acquiring, commissioning, designing, installing, placing, improving, and/or maintaining Public Art.

(c) Public Art Requirement.

(1) Developers of new construction projects, as defined and specified below, shall install Public Art on the project site in a public place as approved by the Design Review Authority. The creator of the Public Art shall be an Artist as defined in this Section.

(A) Nonresidential. Private nonresidential developments with a construction cost exceeding Two Hundred Fifty Thousand Dollars ($250,000) and subject to site plan or design review approval shall devote an amount of not less than one percent (1%) of the construction cost for Public Art on the development site. Any Developer of a nonresidential development project with construction costs that exceed Two Hundred Fifty Thousand Dollars ($250,000.00) may submit a request to the Design Review Authority for a lower public art in-lieu fee provided that Developer also submits documentation showing that such a fee would be prohibitively expensive for project delivery.

(B) Public Construction. Public construction projects with a construction cost exceeding Five Hundred Thousand Dollars ($500,000.00) shall devote an amount of not less than one percent (1%) of the construction cost for Public Art on the development site subject to determination of sufficient funding. The construction cost shall be verified by the City Engineer, and the cost shall not include the portion of any project that includes underground public works projects, tree planting, street or sidewalk repair or reconstruction, or utility facilities with the exception of administrative buildings.

(2) Alternative compliance. A Developer may do the following as an alternative to installing Public Art on-site, provided that the Design Review Authority for the project has approved the alternative:

(A) Pay an in-lieu fee in an amount equal to one percent (1%) of the development project construction cost to the Public Art Fund for the creation, acquisition, and placement of Public Art in the City; or

(B) Place the required Public Art on an alternative project site in a location approved by the Design Review Authority.

(d) Exemptions. The following development projects shall not be subject to the requirements of this Section:

(1) Repair or reconstruction of structures that have been damaged by fire, flood, wind, earthquake, or other calamity;

(2) Historic rehabilitation and/or preservation projects with a construction cost less than Five Hundred Thousand Dollars ($500,000);

(3) Seismic retrofits or flood protection work performed on existing buildings and structures that do not otherwise qualify as new construction projects;

(4) Fire sprinkler installation work items as defined by this Code as part of an existing project;

(5) Solar or other renewable energy installation and energy efficiency upgrades as part of an existing project; and

(6) Infill development projects with a residential component within the Downtown District as outlined within the City of Woodland Downtown Specific Plan.

(e) Design and Installation Standards.

(1) General. The Public Art shall relate in terms of scale, form, and material to the proposed project and adjacent buildings with regards to architecture and landscaping style to best complement the project site and its surroundings.

(2) Location.

(A) Public place. The Public Art shall be located in an exterior area on public or private property that is clearly visible to the general public as determined by the Design Review Authority.

(B) Public Art commissioned by the City using the Public Art Fund may be moved from time to time as part of a gallery collection placed in public buildings such as City Hall, the Library, or other publicly accessible facilities.

(3) Maintenance. The Developer shall submit a maintenance plan to the Design Review Authority for review and approval, shall maintain the Public Art, and shall be responsible for all maintenance costs for the duration of the Public Art's placement.

(f) Compliance.

(1) Prior to obtaining a certificate of occupancy, the Developer shall demonstrate compliance with this Section through one of the following:

(A) Completed installation of the required Public Art that satisfies the provisions of this section and any other conditions specified by the Design Review Authority's approval;

(B) Payment of the applicable in-lieu fee as outlined in Section (c)(2); or

(C) Written proof submitted to the Director of a contract to commission or purchase and install the required Public Art that was approved by the Design Review Authority for the development project. A performance security, in an amount and form determined by the Director, shall accompany such contract to adequately secure performance of the required Public Art.

(g) Public Art Fund. Public Art in-lieu contributions shall be placed into the Public Art Fund within the City's General Fund, and maintained, managed, and reviewed by the Director. The Public Art Fund shall be used solely to acquire, commission, design, install, place, improve, and maintain Public Art throughout the City, consistent with the purpose and objectives of this Section. A reasonable percentage of the Public Art Fund, as set forth in regulations that may be promulgated by the Director from time to time, may be used for project administration, management and curatorial services as well as the preservation and maintenance of artworks in the City art collection. The City Council shall review the Public Art Fund as part of its annual budget review, and approve allocations of Public Art Funds upon the recommendation of the Director or the Design Review Authority. Allocation of Public Art Funds shall consider available reserves for ongoing maintenance of City owned Public Art. City Council shall approve all Public Art projects undertaken through the Public Art Fund upon the recommendation of the Planning Commission acting as the Design Review Authority, unless and until the City Council designates or appoints a different body or subcommittee to serve as the Design Review Authority for Public Art.

(h) Developer's Pre-Application Proposal.

(1) Developer's Proposal. For each construction project subject to this Section's requirements, the Developer shall propose to the Director and the Design Review Authority one or more of the methods for the provision of Public Art described in subsection (c) Public Art Requirements, above.

(2) Pre-Application Meeting. Following submission of the Developer's Proposal, a pre-application meeting with the Developer, Director and the Design Review Authority is recommended for newly proposed Public Art to review the Proposal and development requirements and design and location standards for the type of Public Art proposed, and to ensure a qualified Artist is used. When available, it is recommended that the Applicant provide preliminary site plan and visual impact drawings to aide in the pre-applicant review process. These meetings are voluntary, and no fees shall be paid for the city's review of material provided at this stage.

(3) Review of Pre-Application Developer's Proposal. The Director and Design Review Authority shall review and respond to the Developer's proposal, if necessary, by recommending modifications to the proposed Application.

(i) Applications for Public Art Review. Form and content.

(1) Form and Content. A proposal for all new Public Art installations shall be processed upon the application of the Developer or its agent, subject to the following:

(A) Developer shall file a completed application with the Director in a manner prescribed by the city and, as applicable, shall submit an environmental review form.

(B) Developer shall submit a vicinity map or site plan depicting the proposed Public Art installation location and dimensions.

(C) Developer shall submit photographs and/or elevations of the buildings located on site or those approved for development on-site.

(D) The Director will verify that the Public Art will not interfere with use of other adjacent buildings or facilities, pedestrian access to public sidewalks, or public safety.

(E) When applicable, Developer shall submit material samples, color boards, photo simulations, or other graphic illustrations necessary for the Design Review Authority to determine potential visual impact of the proposed project, and the Public Art's style, scale, and design as compared to the project and surrounding buildings. The visual representation shall show the proposed Public Art as it would be seen from surrounding properties from various perspectives.

(F) Developer shall submit the proposed Artist's qualifications.

(G) Developer shall submit a proposed maintenance plan for the Public Art.

(H) Developer shall submit all required processing and application fees. Such fees may be set and amended by resolution of the City Council.

(j) Approval for Public Art Applications. The Director and the Design Review Authority shall review the Developer's application, determine if it complies with the requirements of this Section, and shall approve or require resubmission with recommended modifications or conditions for approval based on the Findings for Approval.

(3) Findings for Approval for Public Art Applications.

(A) The proposal meets or exceeds the criteria of this Section and is consistent with the general plan and applicable land use designations.

(B) The Public Art is consistent and compatible in its size, design, and appearance with the development and design of the proposed project and surrounding structures and neighborhood.

(C) That the Public Art will be adequately maintained so as to ensure and preserve its purpose as a permanent piece of Public Art in the City.

(4) Appeals. Any person dissatisfied with the decision to either approve, modify or deny an application for Public Art, may file an appeal in accordance with the procedures set forth in either Article 27 or 31 of Chapter 25, as applicable.

Legislation Details (With Text)

File #:	17-0638 Version: 1	Name:	
Type:	Public Hearing Item	Status:	Agenda Ready
File created:	10/25/2017	In control:	Planning Commission
On agenda:	11/2/2017	Final action:	

Title: SUBJECT: Consideration of a Zoning Ordinance to Add Article 25-21.6 to the City of Woodland Municipal Code related to Commercial Cannabis Manufacturing, Testing, Research, and Distribution Uses in the City of Woodland

DATE: November 2, 2017

RECOMMENDATION: Staff recommends that the Planning Commission:

1. Receive a Report concerning the proposed addition of Article 25-21.6 to the City of Woodland Zoning Code related to commercial cannabis regulations;

2. Conduct a public hearing;

3. Find that this Ordinance is not a project subject to California Environmental Quality Act (CEQA) review pursuant to Section 15061 (b) (3) of Title 14 of the California Code of Regulations as set forth in this Ordinance; and

4. Adopt Resolution No. PC 17-_____, recommending to the City Council adoption of an ordinance to add Article 25-21.6 to the City of Woodland Zoning Code.

Sponsors:

Indexes:

Code sections:

Attachments: 1 - PC Resolution
2 - Ord. Adding Sect. 25-21.6 to the Woodland Zoning Code RE Com'l Cannabis
3 - Com'l Cannabis Use Matrix
4 - Com'l Cannabis Sensitivity Map

Date	Ver.	Action By	Action	Result

City of Woodland

MEMORANDUM

TO: Members of the Woodland Planning Commission

FROM: Stephen Coyle, Deputy Director Community Development
Cindy A. Norris, Principal Planner
Ashley Ratliff, Deputy City Attorney

SUBJECT: Consideration of a Zoning Ordinance to Add Article 25-21.6 to the City of Woodland Municipal Code related to Commercial Cannabis Manufacturing, Testing, Research, and Distribution Uses in the City of Woodland

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4. Adopt Resolution No. PC 17-_____, recommending to the City Council adoption of an ordinance to add Article 25-21.6 to the City of Woodland Zoning Code.

REPORT IN BRIEF:

This report presents the proposed draft Zoning Ordinance to add Article 25-21.6 to the City of Woodland Municipal Code to provide regulations concerning commercial cannabis activities in the City of Woodland. The Municipal Code currently does not allow commercial cannabis uses or outdoor cannabis cultivation.

A proposed Ordinance has been prepared to allow, subject to the granting of a limited number of Conditional Use Permits, commercial cannabis manufacturing, distribution, testing and research facilities. ,. Additionally, indoor commercial cultivation and medicinal cannabis retailers (non-storefront delivery services) would only be allowed when co-located with other commercial cannabis uses (testing, manufacturing, and distribution).

Only cannabis businesses authorized by the Ordinance would be allowed, and all other commercial cannabis businesses would be prohibited unless and until authorized by the City Council. The City may choose to change the range and type of conditionally permitted uses in the future depending on the extent of impacts and benefits that result from the initial commercial cannabis uses in the City.

Fiscal Considerations

The cost of drafting this Ordinance have been absorbed by the existing General Fund budget. Depending on final implementation of a Cannabis Program by the City Council, there is potential for significant revenue through negotiated operating agreements with those applicants that receive Conditional Use Permits. In addition, staff anticipates significant costs, estimated at $400,000 - $600,000, to administer and enforce requirements of the program. While staff is still reviewing the estimated costs, staff assumes that the City Council will adopt a commercial cannabis permit fee schedule that will completely and adequately cover all related costs.

BACKGROUND:

Applicable Law

On June 27, 2017, the Governor signed SB 94, a budget trailer bill that became effective immediately, to consolidate state licensing of medicinal and recreational "adult-use" cannabis businesses in a single regulatory scheme titled the Medicinal and Adult-Use Cannabis Regulation and Safety Act" (MAUCRSA). The purpose of SB 94 was to, among other things, consolidate the state licensing scheme of commercial cannabis businesses set forth in Proposition 64, approved by the voters on November 8, 2016, with the legislation enacted by the State in 2015 regarding medical cannabis businesses. The distinction between medical and adult-use cannabis remains in the state law (designated by an "M" or an "A" prefix on the license type), but the overall licensing requirements and process is now consolidated to be the same for both medical and adult-use cannabis businesses.

Some jurisdictions in California are adopting zoning ordinances to allow commercial cannabis uses. Proposition 64 establishes up to 19 different categories of state licenses for commercial cannabis, including commercial cultivation, manufacturing, testing, distribution, and dispensary/retail sales. Proposition 64 also authorized the State of California to begin issuing commercial cannabis licenses to entities as of January 1, 2018 if the business activity is also permitted by the local jurisdiction.

On September 16, 2017, the Governor signed AB 133 into law, which further amended State law regarding commercial cannabis businesses. Of particular significance, AB 133 amended the law to allow operators to conduct multiple and different types of commercial activities on the same physical premises.

Current Regulation

On May 1, 2012, the City Council adopted an ordinance that added Article 21.5 to Chapter 25 (Zoning) of the Municipal Code related to medical marijuana cultivation. On September 5, 2017, the City Council adopted amendments to Article 21.5 to:

(a) be consistent with Proposition 64 and provide that any person within the City of Woodland may cultivate cannabis inside of any residence or enclosed and secure secondary structure that meets certain requirements specified in the ordinance; and

(b) prohibit all outdoor cultivation of cannabis.

The Woodland Municipal Code does not currently allow commercial cannabis businesses.

Ad Hoc Subcommittees

Both the Planning Commission and the City Council appointed two-member ad hoc subcommittees. Planning Commissioners Harris and Lizarraga met with Mayor Angel Barajas and Council member Rodriguez. The Planning Commission and City Council ad hoc subcommittees have met several times, with the latest meeting on October 5, 2017.

The subcommittees initially concurred with taking a measured and phased approach to regulation of cannabis, seeking to maximize potential benefits to the City while allowing assessment and evaluation of impacts prior to moving forward on potential expanded uses. The subcommittees have consistently felt comfortable with allowing some limited commercial and industrial related activities, generally limited to medical cannabis uses. At the most recent October 5, 2017 meeting, it was also suggested that limited indoor cultivation and retail deliveries should be brought to the Council for additional consideration and discussion.

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Prior Planning Commission and City Council Discussion:
The Planning Commission discussed commercial cannabis at its August 3, 2017 meeting and provided feedback to staff regarding several questions. Responses were varied on each topic, with at least three members stating that they liked the incremental or step approach to allowing commercial cannabis uses.

Consideration for potential commercial cannabis uses were then brought to the City Council for further discussion at the Council's August 22, 2017 meeting. Based on input from both the Planning Commission and City Council and refinement from the Subcommittee, a discussion item went forward to the Council during its October 17, 2017 meeting. The Council generally concurred with the Subcommittee recommendations and provided further direction to allow consideration of indoor cultivation on a limited basis.

The Council did have strong preferences regarding allowing both medical and adult/recreational businesses for manufacturing, distribution and testing licenses. Further, the Council indicated that medical cannabis deliveries may be palatable if allowed on a limited basis provided that the City now permit store front retail sales.

Finally, Council discussion regarding utilization of a phased approach, which may include limits on the number and type of uses, was varied. In general, the Council indicated that an incremental approach would enable the City to assess possible impacts, costs and benefits, and allow future determination based on factual evidence regarding whether to expand, maintain, or otherwise modify the uses or license types. The City Council directed staff to prepare a final draft Ordinance and to bring it to the Planning Commission for review and recommendation at its November 2, 2017 meeting.

PROJECT ANALYSIS:

The framework necessary to allow consideration for cannabis uses would involve multiple component parts to include land use related zoning regulations, business permit requirements, fees for cost recovery, and review process.

The first and most critical piece of the framework involves adopting new zoning regulations to identify which commercial cannabis uses may be allowed, where they may be located, and the approval mechanism. The second critical step is to develop regulatory guidelines that address business operation and safety requirements and provide criteria to evaluate application proposals, including the review and assessment of operating agreements. The third step will be the determination of fees and permit costs in order to allow appropriate cost recovery. The final element is to set an annual review process in place and a structure that will identify when the City will begin accepting applications for consideration and how they shall be evaluated.

The initial direction has been to utilize an incremental approach that would allow assessment of critical impacts before consideration on a broader basis. Staff, with feedback from the Ad Hoc Cannabis Subcommittee, input from Planning Commission and City Council, participation from interested parties, and regulatory review of other jurisdictions, has prepared a zoning ordinance for commercial cannabis uses. The following summarizes key provisions in the proposed ordinance:

- That manufacturing, testing/research, and distribution uses will allow medical (M) and adult use/recreation (A) licenses, and retailer delivery uses would be limited to medical (M) licenses.
- Allow, subject to the granting of a CUP by the City Council, cannabis manufacturing, testing and research facilities, distribution facilities, deliveries (retail sales to consumers, but no public storefront), and indoor cultivation (but only in conjunction with other commercial cannabis uses).
- That all commercial cannabis businesses would be limited to the Industrial and Light Industrial zones.

- That within the Industrial and Light Industrial Zones, a 600-foot buffer from specified sensitive uses, consistent with State Law, will be provided.
- That no more than six (6) conditional use permits will be approved in total.
- That additional findings and review criteria be added to the CUP approval process in order to allow the city the ability to assess impacts associated with facility size, mix of uses, concentration in an area, and impact on other businesses and uses

Zoning

The purpose of a zoning ordinance is to provide land use controls over certain cannabis uses consistent with State Law. Zoning generally regulates specified uses, where uses may be located, and sets the entitlement process to determine what regulatory body shall consider and approve those uses. All proposed or approved zoning regulations and cannabis uses may be later amended based on further Council direction.

Staff has prepared a draft Zoning Ordinance to permit, subject to the granting of a conditional use permit, commercial cannabis manufacturing, testing and research facilities, distribution facilities, and limited cannabis retail activities in the Industrial and future Light Industrial Flex Overlay zones in the City. In addition, the ordinance allows limited indoor cultivation of cannabis if collocated with manufacturing, testing and research or distribution uses.

A 600-foot radius buffer from K-12 schools, day cares, and youth centers is provided for in State Law, but does not prohibit a local jurisdiction from adopting a different radius distance from these or other sensitive uses, including parks. In viewing the City's Cannabis Sensitivity Map, there are two areas in the Industrial District that may be impacted by the buffer due to adjacent sensitive uses (Attachment 2). Staff recommends codifying buffer zones around sensitive areas consistent with State Law.

All commercial cannabis uses would be subject to applicable performance standards already in place in the City's Municipal Code and in the intended Interim Zoning Ordinance for manufacturing, research and development and testing, and distribution uses.

Individual CEQA analysis for commercial cannabis uses will be determined on an individual project basis pursuant to the standard planning review process applicable to conditional uses.

The proposed Ordinance includes the following definitions:

- "*Cannabis Manufacturing*"
- "*Cannabis Laboratories and Research*"
- *Cannabis Distribution Facility*
- *Indoor Cannabis Cultivation*
- *Deliveries*

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Use	District Allowed	Zoning Standards	Zoning Process
Indoor Commercial Cultivation for Medical Cannabis	Industrial (I) Industrial with Light Industrial Flex Overly (I/LIF)	• Limited, indoor commercial cultivation of cannabis if collocated with manufacturing, distribution or research/testing facilities up to a total cumulative area of 25,000 square feet of floor space on one premises located on same premises as manufacturing, distribution, or research/testing facility (no stand-alone cultivation facility permitted) • Retail (on-site) sales prohibited. • Performance Standards	Conditional Use Permit (CUP)
Manufacturing • Non-Volatile • Volatile	Industrial (I) Industrial with Light Industrial Flex (I/LIF)	• Limited to manufacturing for wholesale distribution for resale; • Retail (on-site) sales prohibited • Performance Standards	Conditional Use Permit (CUP)
Testing, Research and Development	Industrial (I) Industrial with Light Industrial Flex (I/LIF)	• Retail (on-site) sales prohibited • Performance Standards	Conditional Use Permit (CUP)
Distribution	Industrial (I) Industrial with Light Industrial Flex (I/LIF)	• Retail (on-site) sales prohibited • Performance Standards	Conditional Use Permit (CUP)
Retailers (Dispensaries)	Industrial (I) Industrial with Light Industrial Flex (I/LIF)	• Prohibited, except as a delivery-only business providing retail sales of exclusively medical cannabis (no public storefront) • Limited in total number	Conditional Use Permit (CUP)

Description of Uses:

Manufacturing

- Non-Volatile Manufacturing
  Includes manufacturing, assembly, blending, infusing, packaging or otherwise making or preparing a cannabis product from raw materials for wholesale distribution. Products are typically ready for use or consumption or may be semi-finished to become a further component for further assembling and packaging. Manufacturing may include distribution of wholesale products from the premises for the purpose of resale and not to consumers. Retail sales are prohibited.

- Volatile Manufacturing
  Includes extraction, refining, or other manufacturing from raw material using hazardous materials in liquid, solid or gas form. Products are typically ready for use or consumption or may be semi-finished to become a further component for further assembling and packaging. Manufacturing may include

distribution of wholesale products from the premises for the purpose of resale and not to consumers. Retail sales are prohibited.

The City and State of California have moved forward to develop standards governing plant-based extraction using solvents. The regulations provide for a closed loop system with plan review and inspections to ensure safe operating practices. Staff's understanding is that most problems have occurred at small, unlicensed operations where improper safety measures were taken, resulting in explosions and fires.

The proposed ordinance would permit both Volatile and Non-Volatile Manufacturing.

Testing, Research and Development
The Testing, Research and Development use would include laboratories, testing, research, design, analysis, and/or development of a product. Retail sales are prohibited. State-licensed testing facilities may not be collocated with other commercial cannabis businesses, and are intended to be neutral facilities that test cannabis and cannabis products for quality control and assurance.

The proposed ordinance would permit both medical and adult/recreational use testing, research and development uses.

Distribution
This proposed use would include any facility engaged in the procurement, temporary storage, non-retail sales, and transport of cannabis products between State-licensed cannabis businesses, including warehouses and similar structures. Distribution facilities are a separate and distinct use from both retail uses and deliveries performed as part of a retail sale of cannabis to consumers.

The draft ordinance would conditionally permit both medical and adult/recreational use distribution uses.

Indoor Cultivation
The state cultivator license types to be issued by the State include all of the following relating to indoor cultivation, which shall be limited to "indoor," meaning using exclusively artificial lighting. Commercial cultivation licenses vary depending on size of grow and the types of light that are used. The different licenses are as follows:

1. Type 1A, or "specialty indoor," for indoor cultivation using exclusively artificial lighting of between 501 and 5,000 square feet of total canopy size on one premises.
2. Type 1B, or "specialty mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of between 2,501 and 5,000 square feet of total canopy size on one premises
3. Type 1C, or "specialty cottage," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises.
4. Type 2A, or "small indoor," for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
5. Type 2B, or "small mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
6. Type 3A, or "indoor," for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

7. Type 3B, or "mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

Current proposed zoning is drafted to also allow limited indoor commercial cultivation of cannabis if collocated with manufacturing, distribution or research/testing facilities up to a total cumulative area of 25,000 square feet of floor space on one premises. The intent would be for these to operate as collocated businesses, subject to compliance with State law and regulations.

Retailers
Retailers, commonly referred to as "dispensaries," conduct retail sales of medical and/or recreational cannabis and cannabis products to consumers. State law requires all retailers to operate from a physical premises, even if sales are performed exclusively through deliveries.

The draft ordinance would prohibit retailers in the City, with the exception of retailers that provide exclusively medical cannabis through delivery sales. This approach would allow for certain limited amounts of sales of medical cannabis to patients and caregivers, but open storefronts for sales of cannabis would still be prohibited. The proposed ordinance limits the number of delivery licenses to six. Adult-use recreational cannabis delivery sales would also be prohibited.

Future Additional Regulatory Measures

Commercial Cannabis Business and Operating Requirements
As mentioned above, the Zoning Ordinance is one piece of a larger regulatory structure for commercial cannabis. One of the next steps following adoption of the Zoning Ordinance is adoption of a separate "regulatory ordinance" to address the related business and operational requirements to be imposed on such uses. These business and operational regulations would be imposed as part of a separate "Cannabis Business Permit" that would be required to operate in the City and renewed annually. Accordingly, the City Council will ultimately consider various regulatory issues associated with the new commercial cannabis business, which will include, among others:

- Requirements for permit issuance, such as the business's legal entity status, background checks of owners and managers, proof of valid State licenses and other application criteria
- Site security requirements, such as requiring designated secured-entry access points, video surveillance requirements, and requiring an owner or manager onsite at all times
- Processing and license fees and payment of taxes, as may be applicable
- Potential operating agreement and/or indemnification agreement with the City regarding the cannabis use and the duration of cannabis permits, among other issues.

Required Permits and Licenses for Commercial Cannabis Businesses
Every applicant business interested in opening a commercial cannabis business in the City of Woodland will need to apply for the following:

- City of Woodland Conditional Use Permit (CUP) for the proposed location.
- City of Woodland Cannabis Business Permit (CBP), which will provide the regulatory permit conditions for business operation, (non-zoning issues)
- City of Woodland Cannabis Business License (CBL), which would be required for all businesses in the City
- State of California Licenses - issuance begins no sooner than January 1, 2018.

Fees, Permits and Review Process
Two additional components for the cannabis review include developing an application review process and establishment of a fee program needed to cover costs of administering and enforcing the City's Commercial Cannabis Program. It is recommended that the City provide an application period in which proposals for Conditional Use Permits are accepted for review and consideration. Additional staffing will be needed to administer the proposed program, including public safety, code enforcement, administrative support and accounting/auditing functions. The City is also evaluating the revenue potential from commercial cannabis uses as well as the costs for administration and enforcement.

ENVIRONMENTAL DETERMINATION
The proposed Zoning Ordinance imposes reasonable zoning regulation on commercial cannabis uses to ensure that such uses are conditionally permitted in existing and proposed future zones, subject to zoning standards and locational restrictions that minimize access by minors and provide performance evaluations. Accordingly, this Ordinance will not result in any significant change in the environment within the meaning of Section 15061 (b)(3) of Title 14 of the California Code of Regulations. Additionally, commercial cannabis uses authorized by this Ordinance are subject to the granting of a conditional use permit, which requires discretionary review subject to the California Environmental Quality Act (CEQA).

The proposed regulatory ordinance establishes a permitting process and reasonable regulations on commercial cannabis businesses, to the extent such businesses are authorized to operate in the City pursuant to state and local law, and does not independently authorize any particular cannabis business or use to establish or operate in the City. A future proposed regulatory business ordinance is therefore not a project subject to CEQA. As such, the Ordinance is additionally exempt from CEQA review pursuant to Business and Professions Code Section 26055(h).

PUBLIC NOTICING
The Public Hearing Notice for the Planning Commission hearing was published in a one-eighth page notice in the Daily Democrat newspaper.

Timelines for Completion of Actions to Allow Commercial Cannabis Uses

- Nov 2 - Planning Commission Public Hearing on Zoning Ordinance for commercial cannabis uses
- Nov 21 - City Council Public Hearing on Zoning Ordinance for Commercial Cannabis Uses
- Dec 5 - City Council 2nd Reading of Zoning Ordinance for Commercial Cannabis Uses
- Dec 5 - City Council First Reading of Cannabis Business Regulatory Ordinance and Regulatory Fee Structure.
- Dec 19 - City Council 2nd Reading of Cannabis Business Regulatory Ordinance and Regulatory Fee Structure.
- Jan 2, 2018 - Open Application Period for Commercial Cannabis CUP proposals.
- Jan 4 - Zoning ordinance in effect
- Jan 18 - Regulatory ordinance in effect
- Jan 30 - Close Application Period for Commercial Cannabis CUP proposals.
- Feb/Apr - Planning Commission and City Council public hearing(s) on CUP application proposals
- Mar/May - Period for approved applicants to complete necessary preparatory work, inspections, construction for opening and begin operations.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Receive a Report concerning the proposed addition of Article 25-21.6 to the City of Woodland Zoning Code related to commercial cannabis regulations;

2. Conduct a public hearing;

3. Find that this Ordinance is not a project subject to California Environmental Quality Act (CEQA) review pursuant to Section 15061 (b) (3) of Title 14 of the California Code of Regulations as set forth in this Ordinance; and

4. Adopt Resolution No. PC 17-_____, recommending to the City Council adoption of an ordinance to add Article 25-21.6 to the City of Woodland Zoning Code.

ATTACHMENTS:

Attachment 1 - PC Resolution Number PC 17-_____
Attachment 2 - Ordinance Adding Section 25-21.6 to the Woodland Zoning Code regarding Commercial Cannabis
Attachment 3 - Commercial Cannabis Use Matrix
Attachment 4 - Commercial Cannabis Sensitivity Map

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PLANNING COMMISSION
RESOLUTION NO. PC 17-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WOODLAND RECOMMENDING ADDING ARTICLE 25-21.6 TO THE CITY OF WOODLAND MUNICIPAL CODE RELATED TO ZONING OF COMMERCIAL CANNABIS CULTIVATION, MANUFACTURING, TESTING, RESEARCH, DISTRIBUTION AND RETAIL BUSINESSES IN THE CITY OF WOODLAND

WHEREAS, the City of Woodland does not permit cannabis related businesses to open or operate within the City; and

WHEREAS, the voters of the State of California adopted Proposition 64, the Adult Use of Marijuana Act, on November 8, 2016, which authorized certain personal cultivation and use of cannabis; and

WHEREAS, on June 27, 2017, the Governor signed SB 94 into law, a budget trailer bill effective immediately, to consolidate state licensing of medicinal and recreational "adult-use" cannabis businesses into a single regulatory scheme, now titled the "Medicinal and Adult-Use Cannabis Regulation and Safety Act" (MAUCRSA); and

WHEREAS, state law authorizes the City of Woodland to either prohibit or regulate commercial cannabis uses; and

WHEREAS, the City Council of the City of Woodland has determined that reasonable regulations regarding the establishment of commercial cannabis cultivation, manufacturing, testing, research, distribution and retail businesses in the City, will provide an appropriate balance between the City's interests in fostering certain commercial, agricultural, and research-related activities while also protecting the public health, safety, and welfare of Woodland residents; and

WHEREAS, the City of Woodland Planning Commission considered the proposed Ordinance to amend the Zoning Code regarding commercial cannabis uses during a duly noticed public hearing on November 2, 2017, and voted to recommend that the City Council adopt this Ordinance and the proposed Zoning Code amendments; and

WHEREAS, the Planning Commission finds that this Ordinance is in general conformance with the City's General Plan and that the public necessity, convenience, and general welfare require the adoption of this Ordinance to balance the City's interests in maintaining and developing certain commercial cannabis activities in the City while preserving the public health and safety of Woodland residents; and

WHEREAS, the Planning Commission also finds that adoption of this Ordinance preserves and clarifies the City's intended Zoning regulations regarding cannabis uses and is intended to retain

and maintain local land use authority over those uses in light of State law and State licensing of commercial cannabis uses; and

WHEREAS, the Planning Commission finds that this Ordinance merely establishes reasonable zoning restrictions regarding certain commercial cannabis uses that may be conditionally permitted in existing zones with similar uses in the City, and therefore this Ordinance will not result in any significant changes to the character or use of properties in the City and is not a project with the potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis, and is categorically exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations and Business and Professions Code Section 26055(h); and

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Woodland, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby make the above findings, determinations, and recommendations with respect to the proposed Ordinance and recommends to City Council approval of the proposed Ordinance.

PASSED AND ADOPTED by the Planning Commission this 2nd day of November 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Chairperson

ATTEST:

_____
Stephen Coyle, Deputy Director Community Development

Attachment A: Ordinance of the City Council of the City of Woodland Adding Article 25-21.6 to the City of Woodland Municipal Code Related to Zoning of Commercial Cannabis

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND ADDING ARTICLE 25-21.6 TO THE CITY OF WOODLAND MUNICIPAL CODE RELATED TO ZONING OF COMMERCIAL CANNABIS CULTIVATION, MANUFACTURING, TESTING, RESEARCH, DISTRIBUTION AND RETAIL BUSINESSES IN THE CITY OF WOODLAND

WHEREAS, the City of Woodland does not permit cannabis related businesses to open or operate within the City; and

WHEREAS, the voters of the State of California adopted Proposition 64, the Adult Use of Marijuana Act, on November 8, 2016, which authorized certain personal cultivation and use of cannabis; and

WHEREAS, on June 27, 2017, the Governor signed SB 94 into law, a budget trailer bill effective immediately, to consolidate state licensing of medicinal and recreational "adult-use" cannabis businesses into a single regulatory scheme, now titled the "Medicinal and Adult-Use Cannabis Regulation and Safety Act" (MAUCRSA); and

WHEREAS, state law authorizes the City of Woodland to either prohibit or regulate commercial cannabis uses; and

WHEREAS, the City Council of the City of Woodland has determined that reasonable regulations regarding the establishment of commercial cannabis cultivation, manufacturing, testing, research, and distribution businesses in the City, as defined in this Ordinance and consistent with state law, will provide an appropriate balance between the City's interests in fostering certain commercial, agricultural, and research-related activities while also protecting the public health, safety, and welfare of Woodland residents; and

WHEREAS, the City of Woodland Planning Commission considered this Ordinance amending the Zoning Code regarding commercial cannabis uses during a duly noticed public hearing on November 2, 2017, and voted _____ to recommend that the City Council adopt this Ordinance and the proposed Zoning Code amendments; and

WHEREAS, the City Council finds, based on the Planning Commission's recommendation, that this Ordinance is in general conformance with the City's General Plan and that the public necessity, convenience, and general welfare require the adoption of this Ordinance to balance the City's interests in maintaining and developing certain commercial cannabis activities in the City while preserving the public health and safety of Woodland residents; and

WHEREAS, the City Council also finds that adoption of this Ordinance preserves and clarifies the City's intended Zoning regulations regarding cannabis uses and is intended to retain and maintain local land use authority over those uses in light of state law and state licensing of commercial cannabis uses; and

WHEREAS, the City Council finds that this Ordinance will not result in any significant changes to the character or use of properties in the City and is not a project with the potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis, and is categorically exempt from CEQA; and

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

Section 1. Article 21.6 is hereby added to Chapter 25 of the Woodland Municipal Code to read as follows:

Article 21.6 – Commercial Cannabis Businesses

25-21.6-10 – Purpose
25-21.6-20 – Applicability
25-21.6-30 – Definitions
25-21.6-40 – General Conditions
25-21.6-50 – City Council Review
25-21.6-60 – Cannabis Manufacturing
25-21.6-70 – Cannabis Laboratories and Research
25-21.6-80 – Cannabis Distribution Facilities
25-21.6-90 – Cannabis Cultivation
25-21.6-100 – Cannabis Retailers
25-21.6-110 – Additional Regulatory Requirements

25-21.6-10 – Purpose.

The purpose of this Article is to impose zoning restrictions on commercial cannabis businesses in the City of Woodland as authorized and/or licensed by the State of California pursuant to state law. This Article is not intended to, and does not, give any person or entity independent legal authority to operate a cannabis business. Rather, it is intended to impose zoning restrictions regarding cannabis businesses that may operate in the City pursuant to this Code and state law. This Article is in addition to any other business license and regulatory requirements imposed on cannabis businesses by this Code or other applicable law.

25-21.6-20 – Applicability

No part of this Article shall be deemed to conflict with federal law, as contained in the Controlled Substances Act, nor to otherwise permit any activity that is prohibited under that Act or any other local, state, or federal law, statute, rule, or regulation. Nothing in this Article shall be construed to allow any conduct or activity relating to cultivation, distribution, dispensing, sale or consumption of cannabis that is otherwise illegal under local or state law. No provision of this Article shall be deemed a defense or immunity to any action brought against any person by the Yolo County District Attorney's office, the Attorney General of the State of California, or the United States of America.

25-21.6-30 – Definitions

The following words and phrases shall have the following meanings when used in this section:

"Cannabis" means all or any 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, and cannabis as defined by section 11018 of the California Health and Safety Code, as it may be amended. For purposes of this Article, "cannabis" means and includes both cannabis for medical purposes and non-medical, "adult-use" purposes, unless otherwise specified, but does not include industrial hemp.

"Cannabis business" means a business activity including, but not limited to, planting, cultivation, harvesting, transporting, manufacturing, compounding, converting, processing, preparing, storing, packaging, distributing, researching, testing, providing, or selling wholesale and/or retail sales of cannabis. A cannabis business includes any facility, building structure, or location, expressly including dispensaries and deliveries, and shall expressly include those commercial cannabis activities authorized and/or licensed by state law.

"Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis licensed by the state and intended for commercial sale. For purposes of this Article, cannabis cultivation does not mean or include personal cultivation of cannabis regulated by Article 21.5 of the Zoning Code

"Cannabis distribution facility" means any facility engaged in the procurement, temporary storage, non-retail sales, and transport of cannabis or cannabis products between state-licensed cannabis business, including warehouses and similar structures.

"Cannabis laboratories and research" means a laboratory, facility, or entity that offers or performs tests or testing of cannabis or cannabis products, including accredited testing laboratories licensed by the state and involved in commercial cannabis activity in the state. Cannabis laboratories and research also includes start-up or incubator research activities, which typically include but are not limited to research, design, analysis, development, and/or testing of a cannabis product, and laboratories or facilities engaged in scientific research studies, investigation, testing, or experimentation, but not including cannabis manufacturing or sales of cannabis.

"Cannabis manufacturing" means the compounding, blending, extracting, infusing, or otherwise making or preparing a cannabis product. For purposes of this Article, cannabis manufacturing expressly includes the production, preparation, propagation, processing, or compounding of cannabis or cannabis products directly or indirectly, including through extraction and/or chemical synthesis methods. Cannabis manufacturing may include distribution of wholesale products from the premises, but shall not include any retail sales of cannabis or cannabis products or other sales to consumers.

"Cannabis retailer" means a premises permanently located in the City licensed by the state of California pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Business and Professions Code section 26000 et seq., as may be amended, where cannabis is provided for retail sale to consumers, including an establishment that delivers cannabis as part of a retail sale. Unless otherwise specified, "Cannabis retailer" means both a retailer selling medical cannabis and medical cannabis products to patients with valid physician's recommendations, and a retailer providing adult-use cannabis and cannabis products for adults 21 years of age and over, pursuant to state law.

25-21.6-40 – General Conditions

(a) No cannabis business may operate in any zoning district in the City of Woodland except as expressly permitted by and in conformance with the provisions of this Article. No cannabis business may engage in the retail sales of cannabis unless expressly permitted or conditionally permitted pursuant to this Article.

(b) Any cannabis business permitted by this Article must, prior to operating a cannabis business, obtain and maintain at all times a valid license issued by the State of California, as may be applicable, and any other local or regulatory licenses required by this Code. Any cannabis business operating without a valid license from the State of California shall cease operations until a valid state license is obtained, in addition to any other state and local requirements that may apply.

(c) Pursuant to California Business and Professions code section 26054(b), as may be amended, no cannabis business may be located within a 600 foot radius of a school providing K-12 instruction, a day care center or a youth center in existence at the time the license is issued. Additionally, no cannabis business may be located within a 600 foot radius of a public park.

25-21.6-50 – City Council Review

(a) The Planning Commission shall review all conditional use permit applications submitted pursuant to this Article and provide a recommendation regarding approval to City Council.

(b) The City Council shall serve as the final review authority for all conditional use permit applications submitted pursuant to this Article, and is authorized to approve or deny issuance of all cannabis conditional use permits.

(c) In evaluating whether to recommend approval or approve conditional use permit applications, the Planning Commission and City Council shall consider the following factors, in addition to all other requirements provided for in Article 27 of Chapter 25 of the Municipal Code:

(1) The type of proposed use by the applicant;

(2) Whether the proposed use will be detrimental to the health, safety and welfare of the community;

(3) Whether the use would enhance the economic viability of the area in which it is proposed to be located, including adjacent and surrounding properties;

(4) Whether the applicant has adequately addressed potential community benefits of the use to offset potential adverse impacts;

(5) The extent of support or opposition to the proposed use and location from members of the community;

(6) The number of cannabis uses located or proposed to be located within 1,000 feet of the proposed location;

(7) The extent to which the proposed use would cause a further overconcentration of that particular type of use in the area;

(8) The background and the history of the applicant, including the nature and extent of problems on any premises where he or she has operated a cannabis business in the past; and

(9) Whether there is a history of police or crime-related problems in the area of the proposed location which may be exacerbated by establishment of the proposed cannabis use.

(d) The City Council is authorized to approve up to a maximum of six (6) total conditional use permits for cannabis businesses pursuant to this Article.

25-21.6-60 – Cannabis Manufacturing

Cannabis manufacturing may be permitted, subject to the requirements of the Municipal Code, including all applicable Performance Standards, and the granting of a conditional use permit as provided for in Article 27 of Chapter 25 of the Municipal Code, in the Industrial (I) and Industrial with Light Industrial Flex Overlay (I/LIF) zones.

25-21.6-70 – Cannabis Laboratories and Research

Cannabis laboratories and research facilities may be permitted, subject to the requirements of the Municipal Code, including all applicable Performance Standards, and the granting of a conditional use permit as provided for in Article 27 of Chapter 25 of the Municipal Code, in the Industrial (I) and Industrial with Light Industrial Flex Overlay (I/LIF) zones. Cannabis laboratories and research facilities are prohibited from engaging in commercial cultivation, manufacturing, distribution and sales of cannabis.

25-21.6-80 – Cannabis Distribution Facilities

Cannabis distribution facilities may be permitted, subject to the requirements of the Municipal Code, including all applicable Performance Standards, and the granting of a conditional use permit as provided for in Article 27 of Chapter 25 of the Municipal Code, in the Industrial (I) and Industrial with Light Industrial Flex Overlay (I/LIF) zones.

25-21.6-90 – Cannabis Cultivation

(a) Cannabis cultivation may be permitted, subject to the requirements of the Municipal Code, including all applicable Performance Standards, and the granting of a conditional use permit as provided for in Article 27 of Chapter 25 of the Municipal Code, in the Industrial (I) and Industrial with Light Industrial Flex Overlay (I/LIF) zones.

(b) Cannabis cultivation permitted by this section must additionally comply with the following requirements:

(1) Cannabis cultivation shall be conducted wholly within a completely enclosed building.

(2) The cannabis cultivation area shall not exceed a cumulative 25,000 square feet of building floor space.

(3) Cannabis cultivation is prohibited as a stand-alone cannabis use. All cannabis cultivation shall be collocated with a cannabis business conditionally permitted pursuant to this Article that conducts at least one other type of commercial cannabis use, to the extent authorized by state law (i.e., cannabis manufacturing, cannabis distribution, and/or cannabis retailers).

25-21.6-100 – Cannabis Retailers

(a) Cannabis retailers may be permitted, subject to the requirements of the Municipal Code, including all applicable Performance Standards, and the granting of a conditional use permit as provided for in Article 27 of Chapter 25 of the Municipal Code, in the Industrial (I) and Industrial with Light Industrial Flex Overlay (I/LIF) zones.

(b) Cannabis retailers permitted by this section must additionally comply with the following requirements:

(1) A cannabis retailer shall be licensed by the state to sell exclusively medicinal cannabis to medicinal cannabis patients and primary caregivers pursuant to the Compassionate Use Act of 1996 (Proposition 215). A cannabis retailer is prohibited from engaging in retail sales of adult-use cannabis intended for use by adults who are 21 years of age and older and who do not possess a valid physician's recommendation.

(2) Cannabis retailers permitted by this section shall perform retail sales exclusively by delivery, in accordance with all applicable state laws and

regulations. Cannabis retailers shall not contain a storefront open and accessible to the general public.

(3) Cannabis retailers are prohibited as a stand-alone cannabis use. All cannabis retailers shall be collocated with a cannabis business conditionally permitted pursuant to this Article that conducts at least one other type of commercial cannabis use, to the extent authorized by state law (i.e., cannabis manufacturing, cannabis distribution, and/or cannabis cultivation).

25-21.6-110 – Additional Regulatory Requirements

In addition to complying with all applicable requirements in this Article and obtaining a state license for commercial cannabis activities, no commercial cannabis use may operate in the City without first obtaining a cannabis business permit.

Section 2.

Cannabis Uses	I	EOZ
Indoor Commercial Cultivation for Cannabis: Limited indoor commercial cultivation of cannabis if collocated with manufacturing, distribution or research/testing facilities up to a total cumulative area of 25,000 square feet of floor space on one premises, located on same premises as manufacturing, distribution, or research/testing facility (no stand-alone cultivation facility permitted). Retail (on-site) sales prohibited.	i	
Manufacturing, both Volatile and Non-Volatile: Limited to manufacturing for wholesale distribution for resale; Retail (on-site) sales prohibited	i	
Testing, Research and Development: Retail (on-site) sales prohibited	i	
Distribution: Retail (on-site) sales prohibited	i	
Retailers (Dispensaries): Prohibited, except as a delivery-only business providing retail sales of exclusively medical cannabis (no public storefront)	i	

i. Conditional Use Permit, with final approval by the City Council subject to article 25-21.6.

Section _____ Severability. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section _____. CEQA. The City Council hereby finds that the Zoning Code amendments in this Ordinance impose the same or more stringent zoning standards as existing zoning standards that apply to other similar commercial uses in the City. The City Council further finds that this Ordinance merely establishes reasonable zoning restrictions regarding

certain commercial cannabis uses that may be conditionally permitted in existing zones with similar uses in the City, and does not independently authorize or approve the establishment of any particular cannabis business in the City. As such, the City Council finds that this Ordinance will not result in any significant changes to the character or use of properties in the City and is not a project with the potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis, and is categorically exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations and Business and Professions Code Section 26055(h).

Section _____. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Woodland on this _____ day of _____, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

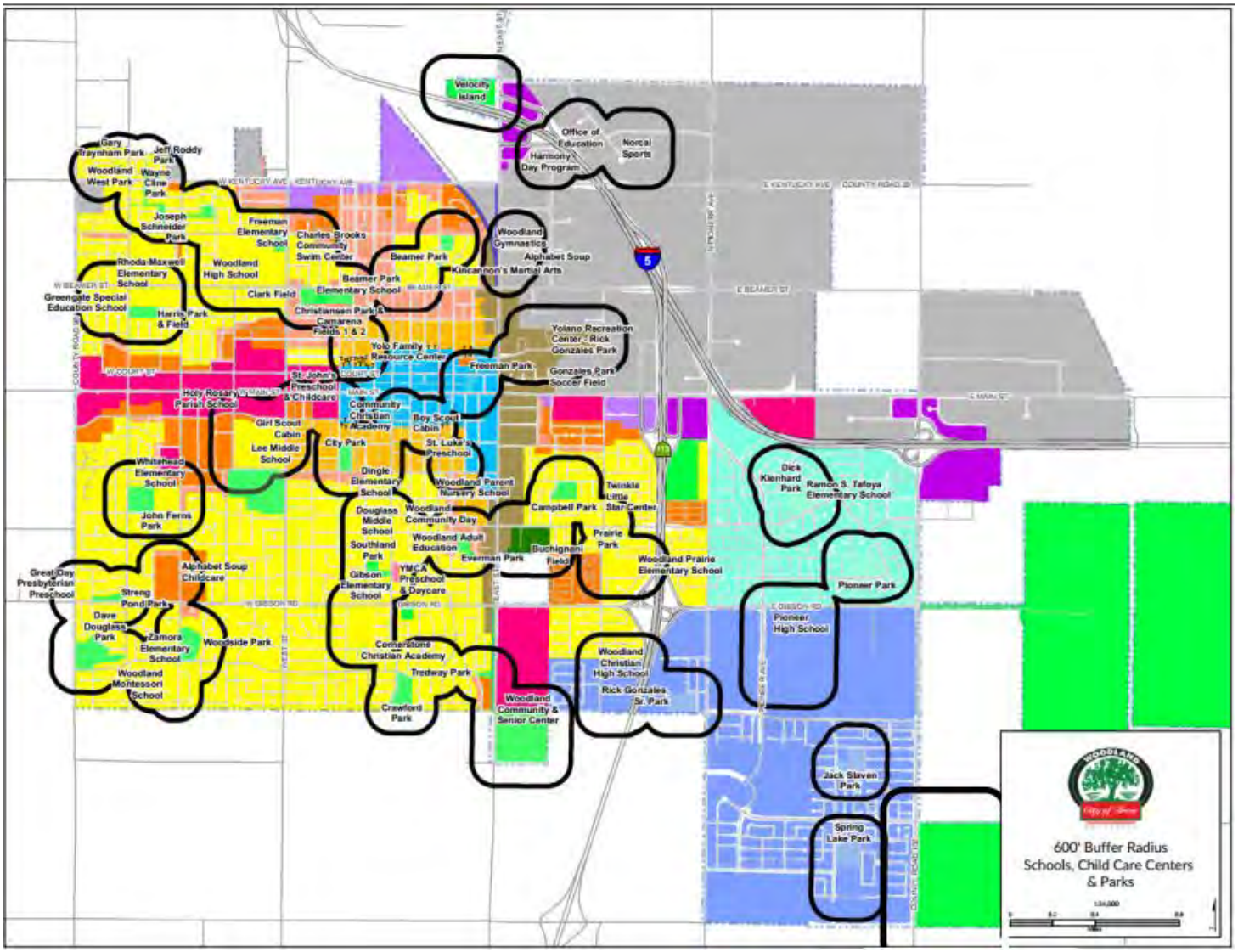
_____
Angel Barajas, Mayor

ATTEST:

_____
Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

_____
Kara K. Ueda, City Attorney

Pemit / License Category	Commercial		Personal	
	Medical	Adult / Rec	Medical	Adult / Rec
Cultivation (Stand Alone)				
Outdoor	N	N	N	N
Indoor	N	N	Y	Y
	(NOT Stand-Alone)			
Manufacturing				
Volatile	Y	Y		
Non-Volatile	Y	Y		
Indoor Cultivation co-located	Y	Y		
Distribution	Y	Y		
Indoor cultivaiton co-located	Y	Y		
Testing / Research Lab	Y	Y		
Indoor cultivation co-located	Y	Y		
Retail				
Dispensaries (Store-front)	N	N		
Delivery Service (non Store-front)	Y	N		
Out-of-Town Delivery Services	Y	N		

CANNABIS SENSITIVITY MAP