

A **Cannabis Moratorium Update**

Recommendation: This item is for discussion purposes to serve as an update on the cannabis moratorium. No action is requested.

## Summary

### 1. What zoning districts are cannabis cultivation, manufacturing, and lab uses permitted?

Upon reviewing neighboring cities in the Coachella Valley such as Coachella, Palm Desert, Palm Springs, and Desert Hot Springs, as well as Northern California cities like Oakland and Richmond, it is evident that cannabis uses such as cultivation, manufacturing, distribution, and testing labs uses are typically restricted to Industrial zone districts, while allowing for Dispensaries in both Industrial and Retail Zones. Cultivation, manufacturing, distribution, and testing labs uses are generally not permitted within Commercial or Residential zones, reflecting a common zoning practice aimed at minimizing potential impacts on retail areas and neighborhoods.

### 2. What separation requirements existing between cannabis uses and either residential zones or uses and other sensitive uses? Identify both the use and the separation requirement.

City	Separation Requirement
Coachella	<p><u>Non-Storefront Retail</u></p> <ul style="list-style-type: none"><li>A non-storefront retailer or non-storefront retail microbusiness shall have a minimum of one hundred (100) feet separation from any residential structure and be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business; and may not be located in the City's Pueblo Viejo District.</li></ul> <p><u>Storefront Retail</u></p> <ul style="list-style-type: none"><li>A storefront retailer or storefront retail microbusiness shall be located at a minimum distance of eight hundred (800) feet away from Avenue 52. The distance shall be measured at the nearest point between any part of the building containing retail cannabis business and the Avenue 52 street right-of-way.</li></ul> <p><u>Separation from Schools</u></p> <ul style="list-style-type: none"><li>No retail cannabis business shall be located within two hundred fifty (250) feet of any public or private school (K-12), day care center, or youth center. The distance shall be measured from the nearest point between any part of the building containing the retail cannabis business to any lot line of the other use.</li></ul>

	<p><u>Separation from Residential</u></p> <ul style="list-style-type: none"> <li>Commercial Cannabis activity shall be located at a minimum distance of six hundred (600) feet away from a residentially zoned lot.</li> </ul>
Palm Desert	<p><u>Separation from schools and youth centers</u></p> <ul style="list-style-type: none"> <li>No conditional use permit will be issued for commercial cannabis business located within 1,000 feet of a school providing instruction in kindergarten or any grades 1 through 12, daycare center, or youth center that is in existence at the time the license is issued.</li> </ul>
Palm Springs	<p><u>Cultivation</u></p> <ul style="list-style-type: none"> <li>Cannabis Cultivation Facilities and Type 6/Type 7 State-licensed Cannabis Manufacturing Facilities shall be separated from any lot in a residential zone district by a minimum 1,000 foot distance.</li> </ul> <p><u>Separation from schools, parks, youth centers</u></p> <ul style="list-style-type: none"> <li>All Cannabis facilities shall be separated a minimum distance of 600 feet from schools, public playgrounds, public parks, day care/childcare centers, and youth centers.</li> </ul>
Desert Hot Springs	<p>No mention of separation requirements for cannabis uses and residential zones or any other sensitive use.</p>
Oakland	<p><u>Cultivation and Manufacturing</u></p> <ul style="list-style-type: none"> <li>No Cultivation and Manufacturing use shall be located within a six hundred (600) feet of any public or private school providing instruction in kindergarten or grades one (1) to twelve (12), inclusive (but not including any private school in which education is primarily conducted in private homes) unless the school moved into the area after the cannabis use was issued a permit under this Chapter.</li> </ul> <p><u>Delivery Dispensaries</u></p> <ul style="list-style-type: none"> <li>While applications for delivery only dispensaries shall not be subject to a</li> </ul>

	<p>hearing requirement, such applications are subject to public notice and applicants must participate in a community meeting before the City Administrator issues a permit if the premises identified in the application are within three hundred (300) feet of a residential zone.</p>
Richmond	<p><u>Separation from Schools</u></p> <ul style="list-style-type: none"> <li>All commercial cannabis activity must be located a minimum of 1,500 feet from any public or private high school and a minimum of 600 feet from any public or private kindergarten, elementary, middle or junior high school that is in existence at the time the permit is issued.</li> </ul> <p><u>Separation from Parks and Youth Centers</u></p> <ul style="list-style-type: none"> <li>All commercial cannabis activity shall be located a minimum of 600 feet from any park, community center, youth center, and public or private child-care center that is in existence at the time the permit is issued.</li> </ul> <p><u>Exceptions</u></p> <ul style="list-style-type: none"> <li>Following a public hearing, the Planning Commission may make exceptions to the distance requirements for all commercial activities if all of the following findings are made based on specific facts: <ul style="list-style-type: none"> <li>-The location, design and proposed operating characteristics of the cannabis business is such that it is highly improbable that persons on, in or travelling to or from nearby parks, community centers, youth centers, or child-care centers would be able to view persons in, entering, or leaving the cannabis facility; and</li> <li>-Allowing the cannabis business to locate within 1,500 feet of a public or private high school or within 600 feet of a park, community center, youth center, and public or private child-care center, will not grant the cannabis business a special privilege not available to other commercial cannabis businesses within the City; and</li> <li>-The cannabis business has demonstrated that it considered other locations and selected the location that would have the</li> </ul> </li> </ul>



	least negative impact on the surrounding community while providing necessary services to its customers.
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*3. Are there separation requirements between cannabis uses?*

<b>City</b>	<b>Separation Requirement</b>
Coachella	<ul style="list-style-type: none"> <li>A non-storefront retailer or non-storefront retail microbusiness shall have At least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business</li> </ul>
Palm Desert	<ul style="list-style-type: none"> <li>No conditional use permit shall be issued to a storefront retailer that is located within one thousand five hundred feet of another approved commercial cannabis business. No more than three cannabis retailers will be permitted to operate on a single street.</li> <li>A cannabis business within the Service Industrial zoning district shall be separated by one thousand five hundred feet from another approved cannabis business.</li> </ul>
Palm Springs	<ul style="list-style-type: none"> <li>Cannabis Dispensaries and Cannabis Lounges shall be separated by a minimum five-hundred-foot (500') distance from each other. This separation requirement does not apply to Cannabis Dispensaries and Cannabis Lounges located in a Cannabis Overlay Zone, or to Cannabis Dispensaries and Cannabis Lounges that are under a single ownership and operating with a single street address.</li> </ul>
Desert Hot Springs	N/A
Oakland	N/A
Richmond	N/A

*4. Are there limits on either the number or size of cannabis uses?*

A review of other City Municipal Codes shows that other cities place limits on the number of cannabis dispensaries allowed, often setting the cap between 3 and 10. In contrast, most do not

impose limits on other types of cannabis operations, including cultivation, manufacturing, distribution, and testing laboratories. This reflects a regulatory trend aimed at controlling the retail presence of cannabis while allowing more flexibility for non-retail sectors of the industry.

*5. What is the definition of a nuisance cannabis odor?*

Nuisance cannabis odor is not consistently defined across all city zoning codes. However, some cities have established specific standards to address this issue. For example, the City of Palm Springs defines "Odor Detection Threshold" as the threshold for the detection of odorous contaminants when one volume of the odorous air has been diluted with seven or more volumes of odor free air as measured by any instrument, device, or any other method designated by the City. Similarly, the City of Coachella defines "Odor Threshold Concentration" as the lowest concentration of Odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be determined in accordance with the American Society for Testing and Materials Test Method D1391-57 (reconfirmed to 1967) or in an equivalent manner acceptable to the zoning administrator. These definitions provide a technical framework for identifying and managing cannabis-related odors within municipal boundaries.

*6. What are the odor mitigation requirements, either through a CUP or cannabis license? Are there specific requirements or standards for cultivation and manufacturing uses?*

Odor Mitigation requirements have been standard in the cities researched, which are currently used as a Conditional of Approval in Cathedral City. These requirements for odor control include, The premises must be equipped with an odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Business that is distinctive to its operation is not detected outside the Cannabis Business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the Cannabis Business. As such, Cannabis Businesses must install and maintain the following equipment or any other equipment which the Local Licensing Authority determines has the same or better effectiveness: An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or An air system that creates negative air pressure between the Cannabis Businesses' interior and exterior so that the odors generated inside the Cannabis Business are not detectable outside the Cannabis Business.

*7. Does the city or county require an odor mitigation plan or permit? If so, who is authorized to prepare and submit it? What are the submission requirements? Does it need to be renewed annually as part of the license? Who approves it?*

A common requirement found in the cities researched is the requirement to develop and implement a ventilation or odor control plan to meet local regulations and minimize the impact of odors in the surrounding areas. These plans are essential for managing and minimizing the strong odors that are often associated with cannabis cultivation. Effective ventilation systems and odor control measures, such as air filtration, exhaust fans, and carbon filtration units, help prevent the

spread of odors and maintain air quality. These plans are required to include detailed information about the proposed ventilation system, including technical specifications indicating that the system is capable of preventing the release into the atmosphere of cannabis odors from the cultivation or manufacturing operation. Within 24 hours of any complaint concerning odors emanating from or originating within the facility, the permittee shall respond to the complaint in question, and shall timely file a written disclosure to the City documenting all actions taken and planned to address the odor complaints.

**DATE:** APRIL 7<sup>th</sup>, 2024

**SUBJECT:** Southern California Cannabis Odor Control Methods

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The following summarizes specific answers to questions regarding how other Southern Californian cities and counties handle cannabis cultivation and cultivation enforcement, specifically odor measurement and control. The questions were as follows:

1. What constitutes an odor violation? Are there thresholds or measurements for cannabis odor, either for the concentration of odor or the time period over which it is detected?
2. When there is an odor complaint, how is it investigated? Does the cannabis business have a period of time to correct a violation before a citation or further action is taken? If so, how long?
3. What are the fines for a violation of the cannabis ordinance? Are there penalties beyond fines? If so, what?
4. Are there any unique provisions, such as a hearing officer, that warrant further evaluation?

Answers were to be found in the municipal codes of each of the following cities and counties, as well as by direct contact with representatives of each where possible:

- El Dorado County
- Santa Barbara County
- Stanislaus County
- City of Hayward
- City of Richmond
- City of Lancaster
- City of Long Beach
- City of Pasadena
- City of Coachella
- City of Desert Hot Springs
- City of Moreno Valley
- City of La Mesa
- City of National City
- City of Grover Beach
- City of Santa Cruz
- City of Oakland
- City of Palm Desert
- City of Palm Springs

The following are summarizations of all specific information that could be found printed or obtained through contact with a representative, divided by question and by responding city or county:

<b>What constitutes an odor violation and how are odor violations measured?</b>
EL DORADO: “Any cannabis odor shall not be equal or greater than a seven-dilution threshold (“DT”) when measured by the county with a field olfactometer at the property line [...]”

- El Dorado county makes use of the NASALRANGER device and utilizes its own measurements, referred to as “dilution thresholds”, to determine if a violation is present.

DESERT HOT SPRINGS: “...Odor cant leave the property line.”

- DHS measures odor release by whether officers can smell the odor in the air without the need for tools. They did use NASALRANGER for a period but chose to discontinue its use. When asked directly, a representative of the DHS Cannabis Enforcement program said that while this is the language printed in the code, it is not feasible for odor to be removed entirely and for this reason they do not respond directly to odor complaints but maintain a patrol on cultivation facilities to make their own determinations about odor releases.

NATIONAL CITY/LA MESA: “Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site.”

- The code here uses vague language on what exactly constitutes a failure of ‘odor control devices’ but elaborates in requiring the businesses to include within the umbrella of ‘devices and techniques’ the necessity of exhaust filtration that prevents odor release, and a system that creates ‘negative-pressure’ in the same manner as the BOX system. This “BOX” system has been advocated by other cities, including Palm Springs, as a decisive resolution to odor violations.

#### **How are odor complaints investigated? How long is a business given to correct a violation?**

SANTA BARBARA: An assigned representative of the cultivation operation has 1 hour to respond to a complaint and 2 hours to begin resolution efforts.

- Santa Barbara collects odor reports but redirects them to the nearest cultivation business and demands a response. The responsibility is then placed on the business to respond to both the complainant, and the city, with their resolution or explanation.

HAYWARD: Municipal code only states that it requires cultivators to take “appropriate measures” to address nuisances and provide “adequate odor control”.

LONG BEACH: Requires the cultivation business to respond to and resolve odor complaints.

- Cultivators and Adult-use cannabis businesses are required to provide records of their response to complaints, measures to correct odor releases, and any equipment malfunctions. In essence, an explanation for the violation if requested. This is the same as the plan presented by Santa Barbara. Neither city was available for comment.

DESERT HOT SPRINGS: "Cannabis facilities shall provide the City manager or designee with the name, phone number, facsimile number, and email address on an on-site community relations or staff leader"

- DHS contacts these individuals and they historically resolve the issue without the need for intervention from the city. Per a conversation with a representative of DHS Cannabis Enforcement, they have no need to investigate odor complaints and they have never issued a citation for odor release due to the success of their enforcement program.

PALM DESERT: "Commercial cannabis shall not create nuisances such as [...] odor."

- Palm Desert contains only this vague mention that odor nuisances shall not be created.

PALM SPRINGS: "The permittee shall have 30 days to remedy any odor issues"

- Palm Springs utilizes a system similar to that of DHS, and places full responsibility on the business owner to correct reported odor issues. Per communication with a representative, they have never needed to address this as their odor control program is successful.

GROVER BEACH: Odors are prevented from spreading into residential/commercial zones due to cultivation being reserved to specific zones within the city limits.

#### **How are the fines for odor violations determined? Are there penalties beyond fines?**

SANTA BARBARA: Suggests the potential to immediately revoke a permit to operate if found to be in violation.

- While Santa Barbara could not be reached for comment, their code states that the responsibility for odor control and addressing active violations lies with the business owner, and a failure to meet this expectation set by the city will be met with a revocation of the permit to operate.

DHS: "fines of up to \$1000 per day."

- DHS stated that this fine has never needed to be used, as their odor control measures are thus far successful. That being said, they reserve the right to issue a citation to the value of \$1000 per day if such a failure of odor control procedures is discovered.

PALM SPRINGS: "The permittee shall be issued an administrative citation for \$10,000."

- Palm Springs may issue this very large fine specific to cannabis cultivation, for a failure to meet the requirements set forth for odor and visual blight control.

**Are there additional provisions surrounding odor control and investigation that warrant further investigation?**

SANTA BARBARA: Requires an odor protection plan and clearly details what that plan should entail including prevention methods and cultivator responsiveness.

STANISLAUS: Requires an odor protection plan. Supports the appointing of an Administrative Hearing Officer to oversee cannabis related enforcement. This officer must have a minimum of 5 years' experience in the legal world and be a lawyer.

LONG BEACH: Requires an odor protection plan.

- States the requirement that the odor plan be reviewed by a licensed professional engineer.

OAKLAND/RICHMOND/COACHELLA/PALM DESERT/PALM SPRINGS: Requires an odor protection plan.

DESERT HOT SPRINGS: Requires an odor protection plan.

- Contracts with INTEGRITY INVESTIGATION AND COMPLIANCE; with 1 full-time and 2 part-time employees, this company handles all ordinance and enforcement for DHS.

NATIONAL CITY/LA MESA/GROVER BEACH: Does not specifically state an odor protection plan is required upon renewal, but does outline required odor prevention measures to be in place including a negative-pressure system and air filtration.

- Grover Beach does specify that the systems must be reviewed by a certified, licensed, mechanical engineer.

**FULL NOTES ON  
CANNABIS ODOR PLANNING RESEARCH**



## Coachella

### **1. What zoning districts are cannabis cultivation, manufacturing, and lab uses permitted?**

Retail cannabis businesses are allowed in the M-W Wrecking Yard Zone, the IP Industrial Park Overlay Zone, and the RC retail cannabis overlay zone.

Medical Cannabis Cultivation facilities may be located in any wrecking yard zone (M-W) in the City, upon issuance of a CUP and regulatory permit.

### **2. What separation requirements existing between cannabis uses and either residential zones or uses and other sensitive uses? Identify both the use and the separation requirement.**

Non-storefront businesses. A non-storefront retailer or non-storefront retail microbusiness shall have a minimum of one hundred (100) feet separation from any residential structure and be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business; and may not be located in the City's Pueblo Viejo District. For purposes of this chapter, "Pueblo Viejo District" shall be that area in the city bounded by Cesar Chavez Street to the south, First Street to the west, Grapefruit Boulevard to the north, and Nineth Street to the east.

Storefront businesses. A storefront retailer or storefront retail microbusiness shall be located a minimum distance of eight hundred (800) feet away from Avenue 52. The distance shall be measured at the nearest point between any part of the building containing retail cannabis business and the Avenue 52 street right-of-way.

Testing laboratories may be located in the General Commercial zone ( C- G) in addition to the M -W zone and IP overlay zone with a CUP.

Separation from schools. No retail cannabis business shall be located within two hundred fifty (250) feet of any public or private school (K-12), day care center, or youth center. The distance shall be measured from the nearest point between any part of the building containing the retail cannabis business to any lot line of the other use. For purposes of this paragraph, the following definitions shall apply:

a. "Day care center" means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities and school age child care centers.

b. "Youth center" means any public or private facility that is primarily used to house recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

Commercial Cannabis activity shall be located at a minimum distance of six hundred (600) feet away from a residentially zoned lot.

**3. Are there separation requirements between cannabis uses?**

There is a ft separation requirement between dispensaries. No separation requirement for Cultivation.

**4. Are there limits on either the number or size of cannabis uses?**

The city may authorize a total of ten (10) storefront retailers and/or storefront retail microbusinesses and an unlimited number of non-storefront retailers and non-storefront retail microbusinesses to operate in the city of Coachella

The number of permitted medical cannabis cultivation, manufacturing, distribution, transportation, and testing facilities permitted in the City shall be determined by resolution of the City Council.

Medical cannabis cultivation facilities should be restricted to a site having B. a minimum of five acres in size, with a minimum paved street frontage of 250 feet.

**5. What is the definition of a nuisance cannabis odor?**

"Odor threshold concentration" means the lowest concentration of Odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be determined in accordance with the American Society for Testing and Materials Test Method D1391-57 (reconfirmed to 1967) or in an equivalent manner acceptable to the zoning administrator.

**6. What are the odor mitigation requirements, either through a CUP or cannabis license? Are there specific requirements or standards for cultivation and manufacturing uses?**

Medical cannabis cultivation facilities shall not result in the creation of any odors detectable from anywhere off the property boundaries. The use of carbon filtration systems and other mitigation measures shall be used on all cultivation facilities and operations.

Odor control. A permittee shall comply with the odor control plan that is submitted during the application process and approved by the city manager. Commercial cannabis activity premises shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the building(s) that is distinctive to its operation is not detected outside the premises, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the commercial cannabis activity. As such, applicants must install and maintain the following equipment or any other equipment which the city manager or designee determines has the same or better effectiveness:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or
2. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.
3. Should compliance with the odor control plan fail to properly control odor, the city manager may impose additional or modified plan restrictions.

**7. Does the city or county require an odor mitigation plan or permit? If so, who is authorized to prepare and submit it? What are the submission requirements? Does it need to be renewed annually as part of the license? Who approves it?**

An odor control plan that describes the air treatment system or other methods that will be implemented to prevent odors generated by the commercial cannabis activity from being detected outside the building(s) on the premises. This section is not intended to prohibit the use of polyethylene plastic film, polycarbonate sheeting, and shade cloth fabrics for use in temporary greenhouses and temporary hoop houses as part of an approved "interim outdoor cannabis cultivation uses" allowed under [Title 17](#).

### Desert Hot Springs

**1. What zoning districts are cannabis cultivation, manufacturing, and lab uses permitted?**

Marijuana storefront retail facilities shall only be located in any Commercial District (excluding Downtown Commercial Districts and Visitor-Serving Commercial Districts) in the City.

Marijuana non-storefront retail facilities shall only be located in any Industrial District in the City.

Cannabis consumption space facilities shall only be located in any commercial district, any industrial district or the Mixed-Use Corridor District in the City.

Marijuana cultivation facilities involving the cultivation of more than 99 mature flowering marijuana plants shall only be located in any Industrial District in the City.

Marijuana manufacturing facilities shall only be located in any Industrial District in the City

Marijuana testing facilities shall only be located in any Industrial or any Commercial District in the City.

Marijuana distribution facilities shall only be located in Industrial Districts in the City.

Marijuana hotel facilities shall be located in commercial districts (excluding the Downtown Commercial District), Mixed-Use Corridor District, or Visitor-Serving Mixed-Use District in the City.

**2. What separation requirements existing between cannabis uses and either residential zones or uses and other sensitive uses? Identify both the use and the separation requirement.**

No mention of separation requirements for cannabis uses and residential zones or any other sensitive use.

**3. Are there separation requirements between cannabis uses?**

No mention of separation requirements between cannabis uses.

**4. Are there limits on either the number or size of cannabis uses?**

The number of permitted medical marijuana facilities permitted in the City shall be determined by resolution of the City Council.

Storefront retail facilities shall not cultivate in more than 500 square feet of space for mature flowering cannabis plants on site at any one time.

**5. What is the definition of a nuisance cannabis odor?**

**6. What are the odor mitigation requirements, either through a CUP or cannabis license? Are there specific requirements or standards for cultivation and manufacturing uses?**

Odor Control. Cannabis facilities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis facility that is distinctive to its operation is not detected outside the cannabis facility, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the cannabis facility. As such, cannabis facilities must install and maintain the following equipment or any other equipment which the City Manager or designee determines has the same or better effectiveness:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or
2. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.

A violation of this subsection by any cannabis facility located within an Industrial District shall be excused so long as the odor is not detectable more than 150 feet beyond the cannabis facility's property line.

**7. Does the city or county require an odor mitigation plan or permit? If so, who is authorized to prepare and submit it? What are the submission requirements? Does it need to be renewed annually as part of the license? Who approves it?**

No odor mitigation plan mentioned.

Palm Desert

**1. What zoning districts are cannabis cultivation, manufacturing, and lab uses permitted?**

Commercial cannabis businesses may operate in the City's commercial, industrial, office, and downtown zoning districts

**2. What separation requirements existing between cannabis uses and either residential zones or uses and other sensitive uses? Identify both the use and the separation requirement.**

No conditional use permit will be issued for commercial cannabis business located within 1,000 feet of a school providing instruction in kindergarten or any grades 1 through 12, daycare center, or youth center that is in existence at the time the license is issued.

All separation requirements will be measured from the outer extents of the commercial cannabis businesses lease space to the outer extents of another commercial cannabis businesses lease space, or to the property line of a school, daycare center and youth center.

**3. Are there separation requirements between cannabis uses?**

No conditional use permit shall be issued to a storefront retailer that is located within one thousand five hundred feet of another approved commercial cannabis business. No more than three cannabis retailers will be permitted to operate on a single street.

A cannabis business within the Service Industrial zoning district shall be separated by one thousand five hundred feet from another approved cannabis business.

**4. Are there limits on either the number or size of cannabis uses?**

The City may authorize a total of six conditional use permits for retail cannabis businesses to operate in the City of Palm Desert. There is no size requirement.

**5. What is the definition of a nuisance cannabis odor?**

**6. What are the odor mitigation requirements, either through a CUP or cannabis license? Are there specific requirements or standards for cultivation and manufacturing uses?**

- 7. Does the city or county require an odor mitigation plan or permit? If so, who is authorized to prepare and submit it? What are the submission requirements? Does it need to be renewed annually as part of the license? Who approves it?**

Odor Control Plan. A plan identifying odor control methods, including, but not limited to, use of odor absorbing ventilation and exhaust systems, negative air pressure, and other treatments.

#### Palm Springs

- 1. What zoning districts are cannabis cultivation, manufacturing, and lab uses permitted?**

Cannabis business are permitted within their Cannabis Overlay Zone. The Cannabis Overlay Zone is intended to provide for the development of cannabis-based businesses in an area where impacts to established neighborhoods will be reduced.

- 2. What separation requirements existing between cannabis uses and either residential zones or uses and other sensitive uses? Identify both the use and the separation requirement.**

Cannabis Cultivation Facilities and Type 6/Type 7 State-licensed Cannabis Manufacturing Facilities shall be separated from any lot in a residential zone district by a minimum 1,000 foot distance.

All Cannabis facilities shall be separated a minimum distance of 600 feet from schools, public playgrounds, public parks, day care/childcare centers, and youth centers.

- 3. Are there separation requirements between cannabis uses?**

Cannabis Dispensaries and Cannabis Lounges shall be separated by a minimum five-hundred-foot (500') distance from each other. This separation requirement does not apply to Cannabis Dispensaries and Cannabis Lounges located in a Cannabis Overlay Zone, or to Cannabis Dispensaries and Cannabis Lounges that are under a single ownership and operating with a single street address.

**4. Are there limits on either the number or size of cannabis uses?**

Cannabis Dispensaries shall be limited to a maximum of 1,500 square feet in gross floor area on the street/ground level of any building in the defined Downtown/Uptown areas. Dispensaries (or portions thereof) located above the street/ground level shall be limited to a maximum of 5,000 square feet in gross floor area.

**5. What is the definition of a nuisance cannabis odor?**

*Odor Detection Threshold* means the threshold for the detection of odorous contaminants when one volume of the odorous air has been diluted with seven or more volumes of odor free air as measured by any instrument, device, or any other method designated by the City.

**6. What are the odor mitigation requirements, either through a CUP or cannabis license? Are there specific requirements or standards for cultivation and manufacturing uses?**

**7. Does the city or county require an odor mitigation plan or permit? If so, who is authorized to prepare and submit it? What are the submission requirements? Does it need to be renewed annually as part of the license? Who approves it?**

Permittee shall provide an adequate odor control plan so as to prevent any detectable odor at the property line of the premises. Within 24 hours of any complaint concerning odors emanating from or originating within the facility, the permittee shall respond to the complaint in question, and shall timely file a written disclosure to the City documenting any and all actions taken and planned to address the odor complaints.



## Richmond

### **1. What zoning districts are cannabis cultivation, manufacturing, and lab uses permitted?**

New Retail Facilities. Any new commercial cannabis retail and non-storefront retail facilities are only allowed to locate in a CR, Regional Commercial Zoning District with a conditional use permit unless, following a public hearing, the Planning Commission makes findings to authorize a retail facility to locate on a site in the CG General Commercial Zoning District.

### **2. What separation requirements existing between cannabis uses and either residential zones or uses and other sensitive uses? Identify both the use and the separation requirement.**

All commercial cannabis activity must be located a minimum of 1,500 feet from any public or private high school and a minimum of 600 feet from any public or private kindergarten, elementary, middle or junior high school that is in existence at the time the permit is issued.

All commercial cannabis activity shall be located a minimum of 600 feet from any park, community center, youth center, and public or private child-care center that is in existence at the time the permit is issued.

Following a public hearing, the Planning Commission may make exceptions to the distance requirements for all commercial activities if all of the following findings are made based on specific facts:

- The location, design and proposed operating characteristics of the cannabis business is such that it is highly improbable that persons on, in or travelling to or from nearby parks, community centers, youth centers, or child-care centers would be able to view persons in, entering, or leaving the cannabis facility; and
- Allowing the cannabis business to locate within 1,500 feet of a public or private high school or within 600 feet of a park, community center, youth center, and public or private child-care center, will not grant the cannabis business a special privilege not available to other commercial cannabis businesses within the City; and
- The cannabis business has demonstrated that it considered other locations and selected the location that would have the least negative impact on the surrounding community while providing necessary services to its customers.

### **3. Are there separation requirements between cannabis uses?**

**4. Are there limits on either the number or size of cannabis uses?**

No more than three commercial cannabis retail facilities shall be permitted or allowed to operate in the City. The City has established a competitive selection process in Section ~~15.04.601.010~~(I) of this article to objectively award permits for which there are a limited number of permits available, such as for retail facilities. All competitive-based considerations shall be included with the application forms.

There shall be no limit on the number of commercial cannabis cultivators, distributors, testing laboratories, or manufacturing businesses in the City as long as they obtain valid State and local permits and licenses, including CUP and CBP from the City of Richmond for each location.

**5. What is the definition of a nuisance cannabis odor?**

No continuous, frequent or repetitive odors are permitted that exceed limits established by the San Francisco Bay Area Air Quality Management District, the California Air Resources Board or federal agencies. An odor detected no more than a total of 15 minutes in any one day shall not be deemed to be continuous, frequent or repetitive for this regulation. No dust or particulate matter shall be emitted that exceeds limits established by the San Francisco Bay Area Air Quality Management District, the California Air Resources Board or federal agencies. Exhaust air ducts shall be located or directed away from abutting residentially-zoned properties.

**6. What are the odor mitigation requirements, either through a CUP or cannabis license? Are there specific requirements or standards for cultivation and manufacturing uses?**

The commercial cannabis business must provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the property is not detected outside the property, anywhere on adjacent property or public right-of-way, or within any other unit located within the same building as the cannabis retail facility, cultivation site, cannabis product manufacturer or any other subsequently approved cannabis business.

**7. Does the city or county require an odor mitigation plan or permit? If so, who is authorized to prepare and submit it? What are the submission requirements? Does it need to be renewed annually as part of the license? Who approves it?**

Ventilation Plan. All cultivation and manufacturing operations must submit detailed information about the proposed ventilation system, including technical specifications indicating that the system is capable of preventing the release into the atmosphere of cannabis odors from the cultivation or manufacturing operation.

Oakland

**1. What zoning districts are cannabis cultivation, manufacturing, and lab uses permitted?**

Proposed cultivation, distribution, testing or transporting locations shall be in areas where "light manufacturing industrial," "research and development," or their equivalent use, is permitted by right under the Oakland Planning Code, as may be amended; provided, however, that no vested or other right shall inure to the benefit of any cultivation, distribution, testing or transporting facility permittee.

Proposed locations for manufacturing, packaging and infusion of cannabis products using nonvolatile solvents shall be in areas where "custom manufacturing industrial," or its equivalent use, is permitted by right under the Oakland Planning Code, as may be amended, or in residential zones if the manufacturing is compliant with the restrictions imposed on cottage food operators under the California Homemade Food Act, Chapter 6.1 (commencing with Section 51035) of Part 1 of Division 1 of Title 5 of the Government Code. Applicants seeking to engage in the production of infused edible cannabis products and topicals may be located in commercial zones where commercial kitchens are allowed.

Proposed locations for manufacturing of cannabis products using volatile solvents shall be in areas where "general manufacturing industrial" or its equivalent use, is permitted by right under the Oakland Planning Code, as may be amended.

Unless the City Administrator in his/her discretion determines that the location will not impact the peace, order and welfare of the public evidence that the proposed location of such dispensary is not within six hundred (600) feet of a public or private school providing

instruction in kindergarten or grades 1 to 12, inclusive (but not including any private school in which education is primarily conducted in private homes), another dispensary or youth center, unless the school or youth center moved into the area after the dispensary was issued a permit. The distance between facilities shall be measured via path of travel from the closest door of one (1) facility to the closest door of the other facility unless otherwise prescribed by state law. The proposed dispensary must be located in a commercial or industrial zone, or its equivalent as may be amended, of the City.

A proposed delivery only dispensary must also be located in a Commercial or Industrial Zone, excluding the CN Neighborhood Center Commercial Zones and the D-BV Broadway Valdez District Commercial Zones, or their equivalent as may be amended, of the City. Delivery only dispensaries shall not occupy more than one thousand (1,000) square feet of ground floor storefront space in a building facing a Commercially zoned principal streets. The limitations on locations for delivery only dispensaries shall apply to those applicants who submit applications after the effective date of these amendments.

**2. What separation requirements existing between cannabis uses and either residential zones or uses and other sensitive uses? Identify both the use and the separation requirement.**

No Cultivation and Manufacturing use shall be located within a six hundred (600) feet of any public or private school providing instruction in kindergarten or grades one (1) to twelve (12), inclusive (but not including any private school in which education is primarily conducted in private homes) unless the school moved into the area after the cannabis use was issued a permit under this Chapter. The distance between facilities shall be measured via path of travel from the closest door of one (1) facility to the closest door of the other facility.

While applications for delivery only dispensaries shall not be subject to a hearing requirement, such applications are subject to public notice and applicants must participate in a community meeting before the City Administrator issues a permit if the premises identified in the application are within three hundred (300) feet of a residential zone.

**3. Are there separation requirements between cannabis uses?**

None

**4. Are there limits on either the number or size of cannabis uses?**

The City Administrator shall issue no more than eight (8) new valid permits for the operation of dispensaries in the City per calendar year, with a minimum of half of the dispensary permits issued each calendar year issued to Equity Applicant

The maximum size of any areas of cultivation shall not exceed any limitations or restrictions set forth in State law.

**5. What is the definition of a nuisance cannabis odor?**

None

**6. What are the odor mitigation requirements, either through a CUP or cannabis license? Are there specific requirements or standards for cultivation and manufacturing uses?**

No cannabis or cannabis odors shall be detectable by sight or smell outside of a permitted facility

**7. Does the city or county require an odor mitigation plan or permit? If so, who is authorized to prepare and submit it? What are the submission requirements? Does it need to be renewed annually as part of the license? Who approves it?**

Ventilation Plan. All cultivation and manufacturing operations must submit detailed information about the proposed ventilation system, including technical specifications indicating that the system is capable of preventing the release into the atmosphere of cannabis odors from the cultivation or manufacturing operation.

**FULL NOTES ON  
CANNABIS ODOR ENFORCEMENT RESEARCH**

EL DORADO COUNTY

Tests odor via the NASAL RANGER, st croix (?) inc

AQ Specialists states no odor control issues due to large distance between cultivation and adjacent properties.

-

Code unavailable for comment

D.

Odor. The cultivating, drying, curing, processing, and storing of cannabis shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property on which cannabis is cultivated or processed due to odor that is disturbing to people of normal sensitivity. Any cannabis odor shall not be equal or greater than a seven dilution threshold ("DT") when measured by the County with a field olfactometer at the property line on which the cannabis is cultivated or processed for a minimum of two olfactometer observations not less than 15 minutes apart within a one-hour period ("seven DT one hour"). If the odor from cannabis cultivating, drying, curing, processing, or storing violates this Subsection, the permittee must reduce the odor below the seven DT one hour at property line threshold within the time required by the County. Notwithstanding the prior issuance of a permit, the County may require installation of one or more odor control options, which may include, but are not limited to, the use of a greenhouse or hoop house that includes activated carbon filtration or equivalent odor abatement control equipment on the air exhaust, a vapor-phase odor control system, increasing the required setback, growing fewer plants, or growing only low odor cannabis strains. Installation of certain odor control options may require a permit. Any such notice requiring the use of one or more odor control options will provide a deadline for completion and the dilution threshold will be retested upon expiration of that deadline. The continued odor in excess of seven DT one hour upon retesting will constitute a violation of this Section subject to enforcement, abatement, and revocation of a Commercial Cannabis Use Permit and Commercial Cannabis Operating Permit under [Section 130.41.100 and Article 5, Section 130.54.090](#) (Revocation or County Mandated Modification of a Permit).

*An olfactometer is an instrument used to detect and measure odor dilution, often used in conjunction with human subjects to quantify and qualify human olfaction, and gauge the odor detection threshold of substances.*

**SANTA BARBARA COUNTY**

Permits the use of a hearing officer to oversee administrative citation appeals, but the officer cannot be the same officer who issued the citation.

A "county executive officer" will ensure that odor plans are forwarded for departmental review, and the applicants must include an 'odor control system'

Santa Barbara differs in 50-30 that cannabis complaints are called in to a city hotline and then the information is provided to the cultivation/dispensation operation for them to "resolve complaints without the need for intervention by the county".

Definition of a proper ODOR CONTROL PLAN is clearly detailed within the muni code.

**Sec. 50-10**

(a) The county executive officer will forward applications to the planning and development and community services departments and request confirmation by planning and development and community services departments that:

(1) The applicant has the proper land use entitlement and odor control system;

**RENEWAL APPLICATIONS SHALL PROVIDE**

(5) Log of odor complaints and responses to complaints, in compliance with [chapter 35](#), zoning, of the County Code;

**Sec. 50-30. - Cannabis complaints.**

(a) Any complaints regarding cannabis operations may be submitted to the county executive office's cannabis hotline.

(b) Each licensee is required to have a twenty-four-hour community relations contact, pursuant to [section 50-24](#), that is available to receive and respond to complaints from the public. The licensee shall update the county immediately, through the CEO, if any changes occur to the community relations contact. The licensee shall make a good faith effort to resolve complaints without the need for intervention by the county.

6.

**Odor Abatement Plan.** The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. No odor abatement plan shall be required in AG-II zoning, unless it is adjacent to an EDRN or Urban Rural boundary or the cultivation area exceeds 51% of the subject lot area (gross). The Odor Abatement Plan must prevent odors from being experienced within residential zones, as determined by the Director. The Odor Abatement Plan shall be implemented prior to the issuance of final building



and/or grading inspection and/or throughout operation of the project, as applicable. The Odor Abatement Plan must include the following:

- a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
- b. A description of the specific odor-emitting activity(ies) that will occur.
- c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).
- d. A description of all equipment and methods to be used for reducing odors. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
- e. Approved odor control systems, subject to certification as required in Subsection d. above, may include, but are not limited to:
  - (1) Activated carbon filtration systems.
  - (2) Vapor-phase systems. Vapor-phase systems must comply with the following:
    - (a) The resulting odors must be odor-neutralizing, not odor-masking.
    - (b) The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus).
    - (c) Use of these systems must have supporting documentation to demonstrate that the systems meet United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.
  - (3) Other odor controls systems or project siting practices that demonstrate effectiveness in controlling odors.
- f. Designation of an individual (local contact) who is responsible for responding to odor complaints as follow:
  - (1) The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.
  - (2) The applicant shall provide property owners and residents of property located within 1,000-feet of the lot on which the cannabis activity is conducted, the contact information of the local contact responsible for responding to odor complaints. The operator is required to immediately notify the County of any changes to the local contact.
  - (3) The operator of the cannabis activity is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.

(4) Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit. For purposes of this Subsection, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.

(5) The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis operation and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years.

**STANISLAUS COUNTY**

6.78.120 matches the same verbiage used by Coachella and DHS

-

All odor measurement methods must be approved by a certified professional as determined by the county leadership

Approves a hearing officer who is a lawyer in good standing with more than 5 years of experience

6.78.120

D.

Odor Control. Odor control devices and techniques shall be incorporated into all commercial cannabis activities to ensure that odors from cannabis are not detectable off-site. Commercial cannabis activities shall provide a sufficient odor absorbing ventilation and exhaust system so that cannabis odors are not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as a commercial cannabis activity. As such, the permittees shall install and maintain an exhaust air filtration system or other similar equipment with odor control that prevents internal odors from being emitted externally.

1.

In no case shall untreated air be vented outside of any building used to conduct a commercial cannabis activity.

2.

The devices and techniques to be used to control odor shall be reviewed and approved by a certified professional approved by the county and an audit of the devices and techniques to be used shall be conducted within thirty days of the commercial cannabis activity being conducted upon issuance of a CCA permit.

-

6.78.183Establishment of county commercial cannabis hearing officer.

A.

Establishment. The board of supervisors hereby establishes the office of the Stanislaus County commercial cannabis hearing officer pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the California Government Code, to which office the board of supervisors shall by resolution appoint one or more administrative hearing officer(s). Each hearing

officer shall be an attorney at law in good standing who has been admitted to practice before the courts of the state of California for at least five years.

B.

Appointment, Term, and Compensation of Administrative Hearing Officer(s). Hearing officer(s) shall be independent contractors appointed for a period of not less than one year. The board of supervisors shall approve by resolution policies and procedures relating to the contracting with and compensation of administrative hearing officer(s). The compensation and/or future appointments of an administrative hearing officer shall not be directly or indirectly conditioned upon substance of his or her rulings, including, but not limited to, the amount of administrative fines levied.

C.

Powers of the Administrative Hearing Officer(s). Hearing officer(s) shall have all powers enumerated in Government Code Sections 27721 and 27722 as well as the power to in his or her discretion continue a hearing for no more than ten days upon a showing of good cause by a party of interest, the power to prepare a record of the proceedings, and the power to uphold fines and abatement orders and order that the cost of the abatement be specially assessed against the parcel.

#### HAYWARD

##### Very limited information

Hayward would like businesses to operate “adequate on site odor control measures such that the odors [...] cannot be readily detected” which uses vague language and does not elaborate or define it.

In addition, SEC 10-1.3612, states only that “appropriate measures” have been taken to address nuisances related to odor, noise, exhaust, and waste.

H.

*Odor Control.* All commercial cannabis businesses shall incorporate and maintain adequate on-site odor control measures such that the odors as a result of cultivation, manufacturing, distribution, transport or sales of cannabis and cannabis-related products cannot be readily detected from outside of the structure in which the business operates or from other non-cannabis businesses adjoining the commercial cannabis business.

I.

*Neighborhood Compatibility Plan.* Prior to the issuance of any commercial cannabis permit, applicants shall submit a neighborhood compatibility plan that demonstrates how the management and operation of the proposed commercial cannabis business will be compatible with the surrounding neighborhood, including proposals to mitigate potential negative impacts on the surrounding neighborhood.

2.

Appropriate measures have been taken to address nuisances related to odor, noise, exhaust, and waste related to the cannabis operation;

<b>Richmond</b>
Called, No response

**ARTICLE 15.04.610**

vi.

Ventilation Plan. All cultivation and manufacturing operations must submit detailed information about the proposed ventilation system, including technical specifications indicating that the system is capable of preventing the release into the atmosphere of cannabis odors from the cultivation or manufacturing operation.

1.

*Standards Applicable to All Commercial Cannabis Businesses.* The following standards are applicable to all commercial cannabis businesses.

a.

*Compliance with State and Local Law Required.* The applicant shall fully comply with all State laws and local laws for commercial cannabis businesses.

g.

*Ventilation.* The commercial cannabis business must provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the property is not detected outside the property, anywhere on adjacent property or public rights-of-way, or within any other unit located within the same building as the cannabis retail facility, cultivation site, cannabis product manufacturer or any other subsequently approved cannabis business.

LONG BEACH
Cultivation odor control measures reference their general odor control code 5.92.540

**5.92.540 - Ventilation and filtration system.**

A.

Every Adult-Use Cannabis Business shall implement adequate ventilation system and odor control filtration measures to prevent odors from inside the cannabis facility from being detected outside the cannabis facility.

B. Certification of system. A licensed professional engineer shall certify that the system is capable of preventing odors from inside the cannabis facility from being detected outside the cannabis facility. The design of the ventilation and filtration system shall be based on industry-specific best control technologies and best management practices to effectively mitigate cannabis odors. The system shall use a range of odor mitigation practices to control odor-emitting activities, sources, and locations.

C. Training and maintenance. The Adult-Use Cannabis Business is responsible for regular maintenance to ensure the system remains functional and shall implement staff training procedures regarding use and maintenance of the system.

D. Records. All records relating to odor management shall be made available upon verbal or written request of the City Health Officer, including but not limited to:

1. Odor complaints received, actions taken by the business, and responses to the complaint; and
2. System installation, maintenance, and any equipment malfunctions.

**PASADENA**

Provides a detailed description of what an odor protection plan should be, and requires operators to keep records of its odor control program for review by city officials upon request.

When odor is reported, the cultivator will be investigated to ensure they are operating within their odor control plan. At that point they will either receive fines for being out-of-compliance, or they must submit a new odor protection plan if the current plan is found to be insufficient. They are given 30 days.

- **8.11.060 - Odor management plan.**

A. Any person proposing to apply for a public health permit for a cannabis facility, or applying as a new owner of an existing cannabis facility shall submit an odor management plan along with the submission of a public health permit application or plans to the department. The odor management plan shall describe sufficient processes which, if implemented, will prevent odors from the cannabis facility from being detected by a person outside of the facility or indoor cultivation site.

B. The odor management plan shall include a detailed description of the ventilation system used by the cannabis facility, including, but not limited to, how the ventilation systems prevent odor from escaping the facility or indoor cultivation site and how to mitigate the noxious fumes or gases.

C. The cannabis facility operator shall be responsible for the development, implementation, and maintenance of the odor management plan. Odor mitigation practices shall be based on industry-specific best control technologies and best management practices. The plan shall include the range of odor mitigation practices to be deployed to control odor-emitting activities, sources, and locations, how and when these practices will be deployed, and accounting for any identified odor-emitting activity.

D. The permittee, operator, or person in charge of a cannabis facility shall maintain, and provide to the department upon request, all records relating to odor management, including, but not limited to, system installation, maintenance, any equipment malfunctions and deviations from odor management plan.

E. The permittee, operator or person in charge of a cannabis facility shall maintain records of odor complaints received and response actions thereto.

F. If an inspection or complaint investigation by the department reveals any deviation from the odor management plan, such deviation shall be a violation of this chapter.

G. If an inspection reveals that the existing odor management plan does not effectively mitigate odors emanating from the cannabis facility or cannabis facility's cultivation site, the department shall provide the operator or person in charge with a notice of deficiencies. The operator or person in charge of the cannabis facility shall be required to submit a modified odor management plan



within a reasonable amount of time, as determined by the department. Failure to submit a modified odor management plan within the required time period shall be a violation of this chapter. Failure of an operator to submit and implement a modified odor management plan may result in the suspension of the cannabis facility's public health permit.

H. When a modification is made to a cannabis facility, or the facility operation, that has the potential to impact the nature or degree of odor, or affects the control of odor, the cannabis facility operator must update its odor management plan within 30 days of facility modification. Failure to submit an updated odor management plan within 30 days of facility modification shall be a violation of this chapter.

(Ord. No. 7326, § 2, 6-5-2018)

<b>Coachella</b>
Left message 3/27/5

P. An odor control plan that describes the air treatment system or other methods that will be implemented to prevent odors generated by the commercial cannabis activity from being detected outside the building(s) on the premises. This section is not intended to prohibit the use of polyethylene plastic film, polycarbonate sheeting, and shade cloth fabrics for use in temporary greenhouses and temporary hoop houses as part of an approved "interim outdoor cannabis cultivation uses" allowed under [Title 17](#).

**5.68.130 - Operating standards.**

A. Indoor cultivation. An indoor cultivation permittee shall only cultivate cannabis in a fully enclosed and secure building. An indoor cultivation permittee shall not allow cannabis or cannabis products on the premises to be visible from the public right of way, the unsecured areas surrounding the buildings on the premises, or the premises' main entrance and lobby.

B. Interim Outdoor Cultivation. Cannabis plants shall not be easily visible from offsite. All interim outdoor commercial cultivation sites should have a minimum twenty-foot setback with an opaque fencing material to screen the outdoor cannabis grow areas from view to the public streets. All interim outdoor commercial cultivation activities shall occur within a secure fence at least six feet in height that fully encloses the cultivation area(s) and prevents access to the cultivation area(s). The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress and egress. Outdoor lighting shall be used for the purpose of illumination only. Low intensity outdoor lighting may be permitted in the canopy area, used for photosynthesis, mixed-light processes, other purposes intended to manipulate cannabis plant growth during the months of November through February for two hours before sunrise and two hours after sunset. All other temporary lighting, whether powered by a portable generator or permitted electrical service, is prohibited.

C. Odor control. A permittee shall comply with the odor control plan that is submitted during the application process and approved by the city manager. Commercial cannabis activity premises shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the building(s) that is distinctive to its operation is not detected outside the premises, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the commercial cannabis activity. As such, applicants must install and maintain the following equipment or any other equipment which the city manager or designee determines has the same or better effectiveness:

1.

An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

2.

An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.

3.

Should compliance with the odor control plan fail to properly control odor, the city manager may impose additional or modified plan restrictions.

**Desert Hot Springs**

Contracts with INTEGRITY INVESTIGATION AND COMPLIANCE; with 1 full-time and 2 part-time employees, this company handles all ordinance and enforcement for DHS.

Contact stated they have never had need to fine any businesses due to their designated locations, and the effectiveness of the enforcement response team under II&C.

**P.** Odor Control. Cannabis facilities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis facility that is distinctive to its operation is not detected outside the cannabis facility, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the cannabis facility. As such, cannabis facilities must install and maintain the following equipment or any other equipment which the City Manager or designee determines has the same or better effectiveness:

**1.**

An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

**2.**

An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.

A violation of this subsection by any cannabis facility located within an Industrial District shall be excused so long as the odor is not detectable more than 150 feet beyond the cannabis facility's property line

**Q.**

Each cannabis facility shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the cannabis facility. Each cannabis facility shall also provide the above information to its business neighbors located within 100 feet of the cannabis facility as measured in a straight line without regard to intervening structures, between the front doors of each establishment.

<b>PALM DESERT</b>
Jesus Centeno 760-776-6300 EXT 486
-
Palm Desert only allows six CUPs for retail cannabis

25.34.120 C: The City may authorize a total of six conditional use permits for retail cannabis businesses to operate in the City of Palm Desert. No more than one retail cannabis business may locate on El Paseo, which must be located east of Larkspur Lane. If applications are submitted for a greater number of conditional use permits than are permitted by this section, selection among the applicants shall be made by a process, and subject to criteria, established by City Council resolution. Conditional use permits for all other commercial cannabis businesses shall be issued in accordance with the zoning and separation requirements established in this section. Prior to initiating operations and as a continuing requisite to operating a commercial cannabis business in the City, an applicant must obtain and maintain a valid conditional use permit, regulatory permit as required under Chapter 5.101, and a state license for each commercial cannabis business use authorized under the conditional use permit. Unless otherwise stated in this section, the provisions found in Section 25.72.050 (Conditional Use Permit), shall apply.

§ 5.101.130 **Operational requirements.**

All commercial cannabis businesses are subject to the following operational requirements:

**A.**

Commercial cannabis businesses shall maintain compliance with the security plan, business plan, community relations plan, neighborhood responsibility plan, odor control plan, and insurance requirements submitted with their application, unless modifications are accepted in writing by the city manager.

**B.**

Commercial cultivation, possession, manufacture, processing, storing, laboratory testing and research, packaging, and labeling, shall be conducted only within a fully enclosed and secured structure that is not accessible to minors.

**C.**

Commercial cannabis businesses shall not create nuisances such a dust, glare, heat, noise, smoke, odor, and shall not be used to store hazardous materials, products, or wastes.

**D.**

Commercial cannabis businesses shall utilize product and inventory tracking software and accounting software that is in-line with reasonable business practices within the industry

## ODOR PROTECTION PLAN TEMPLATE →

### PALM SPRINGS

Spoke to Veronica from Code Compliance, #760-322-8364

-

All PS Cultivation is assigned to a specific area of the city away from residential areas, there is no limit to how many cultivation businesses in the city.

The most successful mitigating effort was the “Box” model (square within square) was extremely successful with negative pressure, and is now required as part of the program.

All cultivation businesses must sign an Odor Control Plan that is approved by a team of professionals from 15000 INC, these experts set their own standards under the city’s authority and it was thus far been very successful.

Once an Odor Control Plan is in place it is reviewed for safety by the building team, and inspected after completion by engineering.

If a property is found to be fully compliant with its OCP if an odor violation is reported, they are given time to fix it, if they are not compliant then the following applies:

#### § 5.55.435 Odor Violations.

##### **A.**

Notwithstanding any other provision of this Chapter, in the event any adult-use cannabis activity surpasses the odor detection threshold while complying with an approved Odor Protection Plan, the permittee will be issued a written warning and the permittee shall work with the City to modify any existing odor control plan to mitigate odor issues within seven days. If the permittee cannot mitigate the odor issues within seven days, then Adult-Use Cannabis Activity causing the odor issues must cease until effective odor control measures are in place.

##### **B.**

In the event any Adult-Use Cannabis Activity surpasses the odor detection threshold while not complying with an approved Odor Protection Plan, the permittee shall be issued an administrative citation for \$10,000. The permittee shall have 30 days to remedy any odor issues. The permittee shall be issued an administrative citation for \$10,000 for each subsequent month the permittee fails to remedy the odor issue and comply with the approved Odor Control Plan. If a permittee receives three administrative citations pursuant to this subsection, the permit shall automatically be revoked upon issuance of the third citation.

##### **C.**

In the event an Adult-Use Cannabis Businesses with an Adult-Use Cannabis Permit is confirmed to have a verified odor complaint based on Adult-Use Cannabis Activity that it is not permitted for, the permittee shall be issued an administrative citation for \$25,000 and all permits issued to permittee shall automatically be revoked.

Hours of operation:  
 Hours open to the public:  
 Applicant Name:  
 Applicant Street Address:  
 Applicant Street Address:  
 Applicant Primary Phone:  
 Applicant Secondary Phone:  
 Applicant Email:  
 Business License Number:

### **INTENT OF ODOR MITIGATION DESIGN**

The intent of the odor mitigating procedures outlined in the following pages is to ensure there is no “discernable odor” at the applicant property line. To accomplish this, the strategy is to mechanically and chemically manipulate the ventilation air and general building pressurization to actively control the intake and discharge of all forced-air inlets at the subject building. All intake and discharge locations shall be mechanically controlled, and no static openings shall be permitted.

The applicant shall demonstrate the quantity of ventilation air (listed in CFM) required to be delivered to project based upon the 2022 building codes, 2022 energy codes, occupancy, and use of each space.

Upon a determination of minimum code-required ventilation air, the applicant shall be required to demonstrate mechanical control of the ventilation air as such to consolidate all pressurization to a single location for treatment and discharging to the exterior of the building (atmosphere). In occupancies such as cultivation and extraction, the discharge airstream shall be required to be diluted at a 7:1 ratio upon discharge to further mitigate nuisance odors at the property line. Refer to Section 4 for additional information.

As all cannabis buildings are intended to be negatively pressurized, the amount of discharge air shall exceed the amount of ventilation air brought into the building by a minimum of 5%. ***In general, the quantity of discharged air shall be 5% higher than the minimum ventilation air requirements dictated by building and energy codes.***

### **DOCUMENTS TO SUBMIT**

The following documents are **required** for intake and submittal. All submittals without required documentation will be required to be resubmitted for a new review.

City of Palm Springs “Odor Control Requirements” template, filled out (this document).

- ☐ **Attachment #1:** Facility floor plan indicating items required in Sections 1.0, 2.0 and 3.0.
- ☐ **Attachment #2:** Commissioning Plan, complete with OPR, BOD and testing requirements.
- ☐ **Attachment #3:** HVAC Plan demonstrating compliance with required information in Section 2.0.

### **DEFINITIONS**

<b>Anteroom</b>	<i>Room within the subject building, directly adjacent to process areas intended for gowning, air treatment and pressure regulation.</i>
<b>Basis of Design</b>	<i>A written response to Owners Project Requirements that provide well-defined project requirements consisting of statements that form the basis of inspection and acceptance criteria.</i>
<b>Odor Generating Activity</b>	<i>Any cannabis related growing or processing activity that would reasonably result in an increase of naturally occurring cannabis odors.</i>
<b>Owner’s Project Requirements</b>	<i>A written document detailing the functional requirements of a project and the expectations of how it will be used and operated.</i>
<b>Process Area/Room</b>	<i>Areas of the building normally expected to have cannabis plants as part of the day-to-day operations.</i>

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## 1 BUILDING & ENVELOPE REQUIREMENTS

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ALL license types: Building shall be designed and constructed to the following minimum standards:

- 1.1 Provide facility floor plan (**Attachment #1**) and indicate drawing number where floor plan can be found: \_\_\_\_\_
- 1.2 Highlight location of odor-generating activities (by room) on the Drawings. This shall include, but not be limited to; mother, cloning, vegetation, flowering, harvesting, trimming, production, post-production, process and manufacturing activities. Indicate drawing number where plan can be found: \_\_\_\_\_
- 1.3 Provide continuous exterior insulation per *2022 Building Energy Efficiency Standards, Subchapter 3, Section 120.7*. Identify wall/roof types with required and specified continuous insulation types: \_\_\_\_\_
- 1.4 Building envelope shall be provided with exterior doors compliant with *2022 California Green Building Standards Code, Section A5.205.1.1.1 Air Leakage*. Indicate drawing number where plan can be found: \_\_\_\_\_
- 1.5 Windows shall not be permitted on exterior walls of processing/cultivation areas.
- 1.6 Building shall comply with the following *2022 California Green Building Standards Code, Non-Residential Sections Title 24, Part 11*) requirements:
  - 1.6.1 *Section A5.205.1.1.1 Air Leakage*. Manufactured exterior doors shall have an air filtration rate not exceeding 0.3 cfm/ft<sup>2</sup> of door area of nonresidential single doors. Location on plans: \_\_\_\_\_
  - 1.6.2 *Section A5.205.2*. Joints and other openings in the building envelope that are potential sources of air leakage shall be caulked, gasketed, weather-stripped or otherwise sealed to limit infiltration and exfiltration. Location on plans: \_\_\_\_\_
  - 1.6.3 *Section A5.205.3.5 Placement of roof/ceiling insulation*. Insulation installed to limit heat loss and gain through the top of conditioned spaces shall comply with A5.205.3.5.1, .2, & .3. Location on plans: \_\_\_\_\_
  - 1.6.4 *Section A5.407.3 Weather Protection*. Provide a weather-resistant exterior wall and foundation envelope as required by California Building Code Section 1403.2 and California Energy Code Section 150, manufacturer's installation instructions or local ordinance, whichever is more stringent. Location on plans: \_\_\_\_\_
- 1.7 Submit Commissioning Plan per *2022 California Green Building Standards Code Section 5.410.2 Commissioning* and all sub-sections. Note: 10,000 square foot minimum requirement do not apply for this application (**Attachment #2**), all projects shall submit a commissioning plan.

Commissioning Plan (Per *2022 California Green Building Standards Code*) shall include the following:

  - 1.7.1 Owner's Project Requirements (OPR) per *Section 5.410.2.1*.
  - 1.7.2 Basis of Design (BOD) per *Section 5.410.2.2*.
  - 1.7.3 Commissioning Plan (CxP) per *Section 5.410.2.3*.
  - 1.7.4 Functional Performance Testing (FPT) per *Section 5.410.2.4*.

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## 2 HVAC (AIR TREATMENT) REQUIREMENTS

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ALL license types: Heating, Ventilating, and Air Conditioning (HVAC) systems shall be designed and constructed to meet the following minimum standards. Provide plan indicating compliance with the following (**Attachment #3**):

- 2.1 Provide anteroom for process rooms. Location on plans: \_\_\_\_\_
- 2.2 Process rooms shall be provided with a directly adjacent anteroom for building pressure stabilization and containment. Anterooms may serve more than one process area. Location on plans: \_\_\_\_\_
- 2.3 Air-moving equipment serving process rooms shall be located within the envelope of the space it serves. Location on plans: \_\_\_\_\_
- 2.4 Document the required ventilation air for each occupied room on the plan. Quantity shall be per *2022 California Energy Code, Section 120.1 – Requirements for Ventilation*. Applicant to document CFM for each room on the Drawings (required and provided CFM). Location on plans: \_\_\_\_\_
- 2.5 Required relief from process rooms (positive pressure resulting from ventilation air) shall be taken from the coldest part of the room (6" above finished floor). Location on plans: \_\_\_\_\_
- 2.6 Required relief from process rooms shall be routed to anteroom for pressure regulation and filtration. Refer to **SECTION 3, FILTRATION & PRESSURIZATION** for additional information. Location on plans: \_\_\_\_\_
- 2.7 Required emergency CO2 evacuation from process areas shall be provided with actively closed discharge ductwork, complete with low-leakage dampers and comply with *2022 California Fire Code Section 5307.4.4*. Location on plans: \_\_\_\_\_

## 3 FILTRATION & PRESSURIZATION

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ALL license types: Filtration and pressurization systems shall comply with the following:

- 3.1 Anteroom shall be negatively pressurized (minimum 5% - maximum 10%) in relation to all adjacent rooms. Location on plans: \_\_\_\_\_
- 3.2 100% of all positively pressurized air within building shall terminate within anteroom for filtration. Location on plans: \_\_\_\_\_
- 3.3 100% of all positively pressurized air within anteroom shall be routed through an activated carbon filter. Location on plans: \_\_\_\_\_
- 3.4 Activated carbon filter assembly shall be provided with MERV-13 pre-filter. Location on plans: \_\_\_\_\_
- 3.5 Activated carbon filter shall be sized at a maximum velocity of 450 feet per minute (FPM) and provide a minimum of 45 lbs per 1000 CFM of discharge air at a maximum pressure drop (fully loaded) of 1.50" external static pressure. Location on plans: U
- 3.6 Activated carbon filter shall have a documented breakthrough rate of less than 10% at full loading. Location on plans: \_\_\_\_\_
- 3.7 Exhaust air downstream of activated carbon filtration shall discharge directly to the exterior and dilution fan. Location on plans: \_\_\_\_\_

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- 3.8 Provide filter replacement schedule on the drawings in accordance with Manufacturer's recommendations for quantity of ventilation airflow and replacement carbon. Location on plans: \_\_\_\_\_

#### **4 DILUTION & DISCHARGE**

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**DILUTION NOT REQUIRED for license types 5, 5A, 5B, 8, 10, 11, 12, 13, 14, N, S)**

All air shall be mechanically discharged (no static openings allowed). 100% of air discharged to the exterior shall be provided with the following dilution ratios:

- 4.1 100% of all air discharged to the exterior shall be diluted to a 7:1 ratio of clean, atmospheric air to building discharge air (for every 100 CFM of discharged building air, 700 CFM of clean atmospheric, non-building air shall be induced into the airstream prior to-or-at discharge). Location on plans: \_\_\_\_\_
- 4.2 Air discharge locations on the building shall comply with *2022 California Mechanical Code Section 502.2.2* for distances to property lines, openings, etc. Discharge air is not to be considered environmental air. Location on plans: \_\_\_\_\_

#### **5 ADMINISTRATIVE CONTROLS**

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**ALL license types:** Facility staff shall be trained in site-specific odor-mitigating procedures, policies and practices herein and attached in response. Provide for the training and documentation of the following:

- 5.1 **Staff Training:** Describe the organizational responsibilities and the role of the staff members who will be trained about odor control/mitigation for this specific application. Location on plans: \_\_\_\_\_
- 5.2 **Recordkeeping:** Describe the process and procedure for receiving and responding to public complaints specific to odor-mitigating procedures and practices. Location on plans: \_\_\_\_\_

**- END**

**LA MESA**

Most of La Mesa's municipal codes center around adult-use cannabis sites, rather than cultivators.

**6.11.210 - Operating requirements for cultivation facilities.**

- A. Only indoor cultivation of cannabis, limited to State License Type 1A, Specialty Indoor, Small, using exclusively artificial lighting of less than or equal to five thousand square feet of total canopy size on one premises, and State License Type 4, Nursery, using artificial light is permitted. Outdoor cultivation with natural light or mixed light, including within crop-protection devices such as, but not limited to, hoop houses or greenhouses, shall be prohibited.
- G. 4 Plan for addressing odor and other public nuisances that may derive from the cultivation site.

**6.11.200**

N. Odor control devices and techniques shall be incorporated in all commercial adult-use cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial adult-use cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial adult-use cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial adult-use cannabis business. As such, commercial adult-use cannabis businesses shall install and maintain the following equipment, or any other equipment which the director or his/her designee(s) determine is a more effective method or technology:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
2. An air system that creates negative air pressure between the commercial adult-use cannabis business's interior and exterior, so that the odors generated inside the commercial adult-use cannabis business are not detectable on the outside of the commercial adult-use cannabis business.

<b>NATIONAL CITY</b>
Some Cannabis muni ordinance matches La Mesa word-for-word.
Requires an air-pressure system also required by Palm Springs (among other cities)

**9.60.280 Add. Operating Requirements for Cultivation**

4. Plan for addressing odor and other public nuisances that may derive from the cultivation site.

**9.60.070**

C. Each proposed cannabis business project shall:

1. Conform with the city of National City's general plan, any applicable specific plans, master plans, and design requirements.
2. Comply with all applicable zoning and related development standards.
3. Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.

**9.60.230 - General operating requirements for all commercial cannabis businesses**

H.

Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the city manager or their designee determine is a more effective method or technology:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
2. An air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

**GROVER BEACH**

Grover Beach utilizes special 'green' zones for Cultivation.

Verbiage matches that of National City and La Mesa, does not explicitly state that an "odor plan" needs to be submitted BUT does elaborate on the required systems and that they must be reviewed by an certified engineer, no elaboration.

DID NOT RECEIVE RETURN CALL 4/10/25

(I) Odor Control. Odor control devices and techniques shall be incorporated in all Commercial Cannabis Businesses and apply to personal growth, cultivation or processing of marijuana, to the extent necessary, to ensure that odors from marijuana are not detectable offsite. Commercial Cannabis Businesses shall provide an odor absorbing ventilation and exhaust system so that odor generated inside the Commercial Cannabis Business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Commercial Cannabis Business. As such, Commercial Cannabis Businesses must install and maintain the following equipment or any other equipment which the Chief of Police or his designee determines has the same or better effectiveness:

- (1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
- (2) An air system that creates negative air pressure between the Commercial Cannabis Business's interior and exterior so that the odors generated inside the Commercial Cannabis Business are not detectable on the outside of the Commercial Cannabis Business.
- (3) Air filtration and odor control systems shall be certified annually by a licensed mechanical engineer as part of the annual Commercial Cannabis Permit renewal.

OAKLAND

**5.81.050 - Application for permit.**

**B.**

All applicants shall submit written information to the City Administrator that shall include, as applicable, plans for security, odor mitigation, waste disposal, pest management, product testing, worker safety and compensation, local hiring, non-diversion of product, facility location, applicant complaint history, criminal background checks, plan for minimizing environmental impacts, compliance with City building and fire codes, and any additional information deemed necessary by the City Administrator. The City Administrator may design application forms specific to each permitted category and require inspections of proposed facilities before issuing a permit under this chapter.

**5.81.070 - Operating and performance standards.**

**A.**

Facilities permitted under this Chapter shall not be open to the public. The City Administrator shall establish operating and performance standards as well as administrative regulations for permittees under this Chapter. The City Administrator may set further standards for such operations and activities through administrative guidance and formal regulations. In order to maintain a permit in good standing, operators under this Chapter must meet all the operating criteria for the required pursuant to State law, the City Administrator's administrative regulations, and this Chapter. The intent of these operating and performance standards is to minimize any negative effects and enhance the benefits of permitted facilities on the surrounding community.

**B.**

The following standards shall be included in the City Administrator's regulations:

**1.**

No cannabis or cannabis odors shall be detectable by sight or smell outside of a permitted facility.



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## CANNABIS ODOR CONTROL SCOPE OF WORK

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### Background

The City of Cathedral City has 47 operating cannabis businesses with 67 licenses and another 17 non-operating businesses with 38 licenses. On January 22, 2025, the Cathedral City Council enacted a 45-day initial moratorium on new cannabis conditional use permits and cannabis licenses in response to a large increase in cannabis odor complaints in 2024 and continuing into 2025. These complaints were reported across the City, with a large number occurring in the vicinity of Date Palm Drive and Ramon Road, near a large indoor cannabis cultivator. This moratorium was extended by 10 months and 15 days on February 26, 2025.

City staff has initiated research into California cities and counties that permit cannabis cultivation and is in the process of analyzing their regulations related to zoning, development standards, separation requirements, and enforcement. Through this process, staff aims to collect application forms and checklists for cannabis uses, including those related to cannabis odor control plans, as part of a staff-led effort to propose amendments to the City's cannabis regulations to reflect current best practices for odor control and enforcement.

Under Section 9.108.080.A of the Cathedral City Municipal Code, the City requires the following as a condition of approval:

*The premises must be equipped with an odor-absorbing ventilation and exhaust system so that odor generated inside the cannabis business that is distinctive to its operation is not detected outside the cannabis business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the cannabis business.*

As such, cannabis businesses must install and maintain the following equipment or any other equipment the local licensing authority determines has the same or better effectiveness:

- An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or
- An air system that creates negative air pressure between the cannabis business's interior and exterior so that the odors generated inside the cannabis business are not detectable outside the cannabis business.

While this is a condition of approval, the City does not have a subsequent process to review and verify the specific systems proposed by a cannabis business to determine whether they are appropriate or adequately designed to mitigate cannabis odors for the proposed use.

The City's cannabis enforcement regulations under Section 13.80.240 declare a public nuisance:



*To cause or permit persistent cannabis odors that are offensive to individuals of normal sensitivity and which adversely impact or unreasonably interfere with the use and enjoyment of property, to:*

- *Emanate across any property line.*
- *Emanate across a common wall or otherwise be detectable within an adjacent or nearby unit in a multi-tenant building or in a multi-family residential building that is occupied by another.*

For the purposes of subsection J, cannabis odors are presumed to be persistent and offensive to individuals of normal sensitivity if the City receives three or more verified complaints from separate residences or businesses within a one-month span. However, the City may initiate enforcement action with fewer than three complaints or even without public complaints if City officials or employees observe odor conditions that violate the ordinance.

The enforcement provisions do not specifically reference the maintenance of odor control systems required as part of a conditional use permit or cannabis license. Additionally, because the City does not currently require cannabis businesses to prepare odor control plans, there is no obligation for businesses to propose modifications to their odor control systems in response to odor complaints—whether initiated by the City or the public.

In consideration of this background, the City seeks subject matter expertise to develop and implement effective cannabis odor control strategies through the following scope of services.

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### **Scope of Services**

The City seeks proposals that address the following scope of services:

1. Regulatory Review and Best Practices Assessment:
  - Perform a comprehensive review and assessment of the City of Cathedral City's odor control and enforcement regulations, specifically related to cannabis cultivation, manufacturing, and retail.
  - Provide specific recommendations for minimum, enforceable odor control requirements that establish clear, measurable, and attainable standards for cannabis odor mitigation as a condition of approval for a cannabis conditional use permit.
2. Odor Control Technology Evaluation:
  - Evaluate and distinguish between odor control requirements for:
    - Cannabis cultivation and manufacturing operations, which typically have higher odor emissions.
    - Retail dispensaries, which may require different, less intensive controls.
  - Offer recommendations on generally available, proven technologies (avoiding proprietary systems) and outline their effectiveness, costs, and maintenance needs.
  - Identify the suitability of specific technologies by business type (cultivation, manufacturing, retail) and facility size.

### 3. Odor Control Permitting Process:

- Assess odor control permit processes from other jurisdictions (staff will provide a list of researched cities) to identify best practices.
- Prepare specific recommendations for creating an odor control permit process, placing responsibility on cannabis businesses to design and propose site-specific odor control solutions.
- Outline the review and verification process, including:
  - Submittal checklists with detailed equipment specifications, maintenance schedules, and media replacement requirements.
  - Minimum qualifications for third-party odor control plan preparers.
- Recommend a process for initial and renewal reviews of odor control permits.

### 4. Inspection and Verification Protocols:

- Prepare recommendations for inspection checklists and required documentation for both scheduled and ad hoc inspections.
- Specify how cannabis businesses should demonstrate ongoing compliance, including requirements for performance testing or third-party verification.
- Identify enforcement triggers, such as data thresholds or complaint patterns, that warrant inspections or corrective action.

### 5. Stakeholder Engagement and Presentations:

- Review and comment on draft ordinance prepared by City staff.
- Present to the City's Cannabis Task Force, Planning Commission, and City Council on cannabis odor control strategies.
- Specify that the consultant will serve as a resource and subject matter expert during public meetings.

### 6. Training

- Provide training to planning and code enforcement staff on cannabis odor control, including any newly established odor control permitting process and post-construction inspections.

Optionally, responses may include a proposal to perform third-party reviews of odor control permits, should an odor control permitting process be established by the City.

### **Project Timeline**

1. Project Kickoff: May 2025
2. Assessment and Evaluation: May-June 2025
3. Development of Odor Control Permitting Process and Checklists: June-July 2025
4. Review of Draft Ordinance: July 2025
5. Presentation of Ordinance to City Cannabis Task Force/Planning Commission: August 2025

6. Presentation of Ordinance to City Council: September 2025
7. Training: October 2025

**Instructions to Submit a Response**

Responses must be submitted by 5:00 p.m. Pacific Standard Time (PT) on Monday, April 28, 2025, through an email to [afirestine@cathedralcity.gov](mailto:afirestine@cathedralcity.gov). The response should include a brief statement of qualifications, a proposed methodology addressing the full scope of work, and a cost proposal with a breakdown of fees. Responses may optionally include a proposal to perform third-party reviews of odor control permits, should an odor control permitting process be established by the City.