

**ORDINANCE NO. 1461**

**AN ORDINANCE OF THE CITY OF BALDWIN PARK,  
CALIFORNIA, AMENDING CHAPTER 153 OF THE BALDWIN PARK  
MUNICIPAL CODE RELATING TO COMMERCIAL CANNABIS  
ACTIVITY**

**WHEREAS**, Chapter 153 of the Baldwin Park Municipal Code (“BPMC”) regulates Commercial Cannabis Activity within the Industrial Commercial and Industrial Zones in the City of Baldwin Park (“CITY”) pursuant to Table 153.050.020; and

**WHEREAS**, Government Code Section 5022.7 permits the amendment of municipal codes as often as deemed necessary by the legislative body, and

**WHEREAS**, pursuant to the California Environmental Quality Act (“CEQA”), Regulations, Section 15061(a)(3), the City Council of the City of Baldwin Park (“CITY”) has determined, with certainty, that the proposed action (“Project”) has no possibility that it will have a significant effect on the environment; and

**WHEREAS**, the CITY has determined that the proposed action (“Project”) is exempt from CEQA, and

**WHEREAS**, on September 8, 2021, after conducting a properly noticed public hearing, the Planning Commission adopted Resolution No. PC 21-11, recommending that the City Council amend Chapter 127 of the BPMC as it pertains to medical and adult use commercial cannabis.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BALDWIN PAK DOES  
HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Except as expressly modified pursuant to this Ordinance, all other provisions of Chapter 153 (“Zoning Code”) Section 153.120 entitled “*Standards for Specific Land Uses and Activities*” Part 10 & 18, shall remain unmodified and in full force and effect. All ordinances in conflict with the provisions hereof are superseded to the extent of such conflict.

**Section 2.** Chapter 153 (“Zoning Code”) Section 153.120 entitled “*Standards for Specific Land Uses and Activities*” Part 18, shall be amended to read as follows:

**PART 10 MEDICAL MARIJUANA/CANNABIS DISPENSARIES**

**153.120.330- Use Prohibited**

Medical Marijuana/Cannabis Dispensaries are prohibited in the CITY.

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## **PART 18 Medical and Adult Cannabis Cultivation, Manufacturing and Distribution**

### **§ 153.120.560 – Intent and Purpose**

The purpose of regulating commercial cannabis activity is to comply with California state law in a manner designed to minimize negative impact on the CITY, and to promote the health, safety, morals, and general welfare of residents and businesses within the CITY.

### **§ 153.120.570 – Use Regulations**

- A. Chapter 127: Medical and Adult Use Commercial Cannabis.** All commercial cannabis activity shall comply with all applicable provisions of Title XI, Chapter 127, Medical and Adult Use Commercial Cannabis, of this code.
- B. Outdoor Cultivation.** Owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the CITY to use or allow such premise to be used for the outdoor cultivation of cannabis plants is prohibited in the CITY.
- C. Development Agreement Required.** Prior to operating in the CITY and as a condition of issuance of a Permit, the applicant shall enter into a Development Agreement (as governed by California Government Code Section 65864, *et seq.*) with the City setting forth the terms and conditions under which the facility will operate that is in addition to the requirements of Title XI, Chapter 127, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed upon, approval of architectural plans (including site plan, floor plan, and elevation, to conform with manufacturing uses under the BPMC), and such other terms and conditions that will protect and promote the public health, safety, and welfare of all persons in the CITY.
- D. Maximum Number of Commercial Cannabis Permits.** No more than 25 (twenty-five) permits, each with a maximum of 22,000 square feet of permitted Commercial Cannabis Activity may be allowed, maintained, or operated in the CITY at any time; except that, Dispensaries only, shall be allowed a maximum of 40,000 square feet.

### **§ 153.120.580 – Development Standards**

The development standards set forth in subchapter 153.050, Commercial and Industrial Zones, shall apply to commercial cannabis facilities, unless otherwise specified here. The location and types of commercial cannabis facilities shall be limited as follows:

- A. Proximity to schools, day-care centers, or youth centers.** A commercial cannabis facility shall not be located within 600 feet of a school, day-care center, or youth center.
- B. Proximity to residential zoning districts.** A commercial cannabis facility shall not be located within fifty (50) feet from a dwelling unit within a residential zone; except that Commercial Cannabis Distribution may be allowed within a proximity of twenty four (24) feet from a dwelling unit within a residential zone. However, when the Commercial Cannabis Activity is exclusively manufacturing food and/or edible cannabis products and no other products, and there is no on-site extraction of cannabis or cannabis products, the proximity may be twenty-five (25) feet of a dwelling unit within a residential zone;
- C. Maximum square footage.** Each approved permit shall not exceed 22,000 square feet of commercial cannabis floor area; except that Commercial Cannabis Distribution may be allowed not to exceed 40,000 square feet of commercial cannabis floor area;
- D. Facility.** A commercial cannabis facility shall comply with the following:
1. All activity shall occur in an enclosed locked structure. Locks shall be of commercial grade. Residential door locks are prohibited; and
  2. From a public right-of-way, there should be no exterior evidence of the manufacturing, cultivation and/or distribution of medical and adult use cannabis; and
  3. All Licensed Premises shall comply with the CITY's lighting standards including, without limitation, fixture type, wattage, illumination levels, and shielding and secure the necessary approvals and permits, as needed; and
  4. All windows on the Licensed Premises shall be appropriately secured and all cannabis securely stored ; and
  5. All operations conducted within a Licensed Premises, and all equipment used must be in compliance with all applicable state and local laws, including all building, electrical, and fire codes; and
  6. Areas that are wet locations, and the electrical system in such areas must comply with Title 8 of this code, Article 300.6(0) of the National Electric Code, City and California building codes, fire codes, electrical codes, and all other applicable laws; and
  7. Licensed Premises are permitted under this chapter under a Group F-1 (Factory Industrial Moderate-Hazard) Occupancy under the Fire Code.

All new construction shall be fire sprinkled per the Fire Code. For all commercial cannabis facilities that will be sited in an existing structure, an automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

- a. A Group F-1 fire area exceeds 12,000 square feet.
  - b. A Group F-1 fire area is located more than 3 stores above grade plane.
  - c. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 22,000 square feet;
8. All licensed manufacturing and cultivating premises shall possess air scrubbers or a filtration system capable of eliminating odors from escaping the building before operating ; and
  9. Licensed distribution facility. Staff reserves the right to require a licensed distribution facility to install air scrubbers or a filtration system capable of eliminating odors from escaping the building if the facility is found to emit cannabis odors.
  10. The manufacture, distribution, and transportation of edible cannabis products shall be conducted in a manner that complies with all applicable food safety laws for the protection of humans consuming cannabis.
  11. All products, storage facilities, utensils, equipment, and materials used for the manufacture of edible cannabis products shall be approved, used, managed, and handled in accordance to the provisions of all State and County Health and Safety Laws regarding the preparation, distribution, labeling, and sale of food.
  12. Any manufacturing site that proposes to prepare, store, dispense, and distribute edible cannabis products shall comply with the relevant provisions of all State and County Health and Safety Laws regarding the preparation, distribution, labeling, and sale of food.
  13. No food production shall be allowed in a facility where edible cannabis products are manufactured to avoid the unintentional contamination of non-cannabis foods with cannabis.
  14. All owners, employees, volunteers, or other individuals that participate in the production of edible cannabis products shall be State certified food handlers. The valid certificate number of each such owner, employee, volunteer, or other individual shall be on record at the permitted premises where said individual participates in the production of edible cannabis products.

E. **Security**. All security requirements set forth in Title XI, Chapter 127, Medical and Adult Use Commercial Cannabis, of this code are applicable.

1. Security cameras shall be installed and maintained in good working condition, and used in an on-going manner with at least 240 continuous hours of digitally recorded documentation in a format approved by the Chief of Police and/or his designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, manufacturing or cultivation areas, all doors and windows, and any other areas as determined by the Chief of Police and/or his designee.
2. Entrances to any storage areas shall be locked at all times and under the control of Licensee's staff.
3. The business entrance(s) and all window areas shall be illuminated during evening hours. The applicant shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etc., and secure the necessary approvals and permits as needed.
4. All windows on the Licensee's building shall be unopenable or locked and all product securely stored.
5. Each Licensee shall implement a system to track the cultivation and manufacturing of cannabis in order to prevent the Licensee from diverting or transporting cannabis to any location not authorized by state laws or any local law or regulation.
6. All waste and disposal containers shall be stored in a secure area, and under the control of Licensee's staff.
7. Each Licensed Premises shall have a Security Alarm System, installed by a licensed alarm company that alters the alarm monitoring company on all premises entry points and windows.
8. Each Licensed Premises must be continuously monitored by an alarm monitoring company.
9. The Licensed Premises shall maintain up-to-date records and existing contracts on the premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of the licensed alarm company, and the name of any vendor monitoring the premises.
10. Upon request, each licensee shall make available to the Chief Executive Officer or any state or local law enforcement agency, for a purpose

authorized by this chapter or state or local law enforcement purpose, all information related to security alarm systems, recordings, monitoring, and alarm activity.

11. Prior to exercising the privileges of a permit under this chapter, an applicant must install fully operational video surveillance and camera recording system. The recording system must record in digital format and meet the requirements outlined in this Section.
12. All physical non-cloud based video surveillance records must be stored in a secure area that is only accessible to the management staff of the Licensed Premises.
13. Video surveillance records and all recordings must be made available upon request to the Chief of Police or any other state or local law enforcement agency for a purpose authorized by this chapter or for any other state or local law enforcement purpose.
14. Video surveillance records shall be held in confidence by all employees and representatives of the Chief Executive Officer, except that the Chief of Police or his designee may provide such records and recordings to a state or local law enforcement agency for a purpose authorized by this Chapter or for a state or local law enforcement purpose.
15. A sign shall be posted in a conspicuous place near each point of public access that shall be not less than 12 inches wide and 12 inches high, composed of letters not less than one inch in height, stating "All Activities Monitored by Video Camera" or "These Premises Are Being Digitally Recorded" or otherwise advising all persons entering the Licensed Premises that a video surveillance and camera recording system is in operation at the Licensed Premises and recording all activity as provided in this Chapter.
16. The Licensed Premises should use video surveillance equipment and a camera system that can be accessed remotely 24 hours a day by the Baldwin Park Police Department and the City, as specified in each development agreement.
17. Video surveillance equipment shall, at a minimum, consist of digital or video recorders, cameras capable of meeting the recording requirements described in this section, video monitors, digital archiving devices, and a color printer capable of delivering still photos.
18. All video surveillance systems must be equipped with a failure notification system that provides prompt notification to the Licensed Permit holder of any prolonged surveillance interruption and/or the

complete failure of the surveillance system.

19. Licensed Premises are responsible for ensuring that all surveillance equipment is properly functioning and maintained so that the playback quality is suitable for viewing and the surveillance equipment is capable of capturing the identity of all individuals and activities in the monitored areas.
20. All video surveillance equipment shall have sufficient battery backup to support a minimum of 4 hours of recording in the event of a power outage.
21. Camera placement shall be capable of identifying activity occurring within 20 feet of all points of ingress and egress and shall allow for the clear and certain identification of any individual and activities on the Licensed Premises.
22. All entrances and exits to the facility shall be recorded from both indoor and outdoor vantage points.
23. The system shall be capable of recording all pre-determined surveillance areas in any lighting conditions. If the Licensed Premises has a cannabis cultivation area, a rotating schedule of lighted conditions and zero-illumination can occur as long as ingress and egress points to those areas remain constantly illuminated for recording purposes.
24. Areas in which cannabis is grown, tested, cured, manufactured, or stored shall have camera placement in the room facing the primary entry door at a height that provides a clear, unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.
25. Cameras shall also be placed at each location where weighing, packaging, transport, preparation, or tagging activities occur.
26. At least one camera must be dedicated to record the access points to the secured surveillance recording area.
27. All outdoor cultivation areas must meet the same video surveillance requirements applicable to any other indoor Limited-Access Areas.
28. Surveillance recording equipment must be housed in a designated, locked and secured room or other enclosure with access limited to authorized employees, agents of the Chief Executive Officer, state or local law enforcement agencies for a purpose authorized by this chapter or for any other state or local law enforcement purpose, and service personnel or contractors.

29. The Licensee must keep a current list of all authorized employees and service Personnel who have access to the surveillance system and/or room on the Licensed Premises. Licensed Premises must keep a surveillance equipment maintenance activity log on the Licensed Premises to record all service activity, with the identity of the individual(s) performing the service, the service date and time, and the reason for service to the surveillance system.
30. Off-site monitoring and video recording storage of the Licensed Premises or an independent third-party is authorized as long as standards exercised at the remote location meets or exceeds all standards for on-site monitoring.
31. Each Licensed Premises located in a shared building must have a separate surveillance room/area that is dedicated to that specific Licensed Premises. All minimum requirements for equipment and security standards as set forth in the section apply to the review station.
32. All camera views of all recorded areas must be continuously recorded 24 hours a day.
33. All surveillance recordings must be kept for a minimum of 90 days and be in a format that can be easily accessed for viewing on premises. Video recordings must be archived in a format that ensures authentication of the recording as legitimately-captured video and guarantees that no alteration of the recorded image has taken place.
34. The surveillance system or equipment must have the capabilities to produce a color still photograph from any camera image, live or recorded.
35. The date and time must be embedded on all surveillance recordings without significantly obscuring the picture.
36. Time is to be measured in Pacific Standard Time in accordance with the U.S. National Institute of Standards and Technology.
37. After the 90-day surveillance video retention schedule has lapsed, surveillance video recordings must be erased or destroyed prior to being discarded or disposed of for any other purpose. Surveillance video recordings may not be destroyed if the Permit Holder knows or should have known of a pending criminal, civil, or administrative investigation or any other proceeding for which the recording may contain relevant information.




**SECTION 2.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion or the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 3.** This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final reading and adoption.

First read at a regular meeting of the City Council of the City of Baldwin Park held on the 6<sup>th</sup> day of October, 2021, and adopted and ordered published at a regular meeting of said Council on the 3<sup>rd</sup> day of November, 2021.

**PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of November, 2021.**

  
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EMMANUEL J. ESTRADA  
MAYOR

**ATTEST:**  
**STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES** } **SS:**  
**CITY OF BALDWIN PARK**

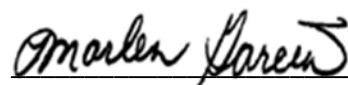
I, Marlen Garcia, City Clerk of the City of Baldwin Park, do hereby certify that the foregoing Ordinance was introduced and placed upon its first reading at a regular meeting of the City Council on October 6, 2021. Thereafter, said **Ordinance No. 1461** was duly approved and adopted at a regular meeting of the City Council on **November 3, 2021** by the following vote to wit:

AYES: COUNCIL MEMBERS: Avila, Damian, Estrada, Garcia, and Hernandez

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

  
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MARLEN GARCIA  
CITY CLERK