Resolution No. 2018-08-23-0602

STOCKTON PLANNING COMMISSION

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STOCKTON RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO TITLE 16 OF THE STOCKTON MUNICIPAL CODE RELATED TO THE SALE OF ADULT-USE CANNABIS TO EXISTING MEDICAL CANNABIS DISPENSARIES

The Planning Commission is authorized by section 16.212.040 of the Stockton Municipal Code (SMC) to review and make recommendations to the Council for amendments to the provisions of Title 16; and

- A. Amending the provisions of Title 16 related to the sale of adult-use cannabis will comply with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Senate Bill 94) be consistent with the following General Plan goals and policies:
 - i Goal ED-1. To maintain a thriving business community that provides a sound tax base for the City, jobs for the local workforce, and commercial shopping opportunities for residents and visitors alike.
 - ii Goal ED-2. To expand job opportunities in the community, providing a full range of quality career choices, serving entry level as well as highly-trained workers.
 - iii Policy ED-2.1 Job Quality. The City shall focus its business expansion and industry attraction efforts on companies and institutions that bring to Stockton quality jobs that provide benefits and self-sufficiency wages for Stockton residents.
 - iv Goal ED-4. To promote business growth and industry diversification, maintaining a conducive business climate and a supportive economic foundation.
 - v Policy ED-4.1 Business Retention and Expansion. Existing business and industry have made significant investments and commitments in the community. The City should support and assist expansion and retention of existing businesses by ensuring they have access to the information and resources available in the community to address business concerns and issues.
 - vi Policy ED-4.2 Specialty Business Program. The City shall promote and support programs focused on specialty business and ethnically diverse enterprises.
- B. The proposed amendment will address the sale of adult-use cannabis, including changes to Chapter 16.20 "Allowable land uses and permit requirements", Section 16.240.020 "Definitions of specialized terms and phrases" and Chapter 16.80 Section 16.80.195 "Cannabis businesses—Permitting" The

proposed amendment will give medical cannabis dispensaries the ability to also sell adult-use cannabis and are compliant with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Senate Bill 94) which established a single system of administration for cannabis laws in California combining the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act of 2016 (Proposition 64) into a single system; and that Title 16 allows for local land use regulation of the adult us cannabis industry.

- C. The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City, because the amendment will bring the City into compliance with state law (SB 94) which established a single system of administration for cannabis laws in California combining the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act of 2016 (Proposition 64); and Title 16 also allows for local land use regulation of the adult use cannabis industry in that projects will require condition use permits to regulate the use and operations of an adult use cannabis facility.
- D. The proposed SMC amendment is exempt from the California Environmental Quality Act (CEQA) under the "general rule" that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in section 15061(b)(3). Approval of the required amendment will bring the City into compliance with state law (SB 94) and constitutes an administrative action that will not result in direct or indirect physical changes in the environment, and any future projects that would rely on these amendments, will require further case-specific environmental review under CEQA.

The proposed amendment is internally consistent with other applicable provisions of the Development Code because the amendment does not modify any other provisions of the Stockton Municipal Code dealing with the sale of adult use cannabis to existing medical cannabis dispensaries and does not conflict with Title 5 regarding Cannabis Operators Permit.

The Planning Commission recommends that the City Council adopt a	an
amendment to Title 16, Chapter 16.20, Section 16.20.020, Chapter 16.80 Section	on
16.80.195, and Chapter 16.240, Section 16.240.020; to allow the sale of Adult-U	se
Cannabis in existing cannabis dispensaries as set forth in Exhibit 1, attached hereto a	nd
incorporated by this reference.	

PASSED, APPROVED and ADOPTED: August 23, 2018

DON M. AGUILLARD, CHAIR

CITY OF STOCKTON PLANNING COMMISSION

ATTEST:

DAWD W. KWONG, SECRETARY

CITY OF STOCKTON PLANNING COMMISSION

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.20, SECTION 16.240.020 AND CHAPTER 16.80 SECTION 16.80.195 REGARDING MEDICAL CANNABIS BUSINESS LICENSING AND PERMITTING TO ALLOW ADULT-USE CANNABIS FOR CURRENT DISPENSARIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

SECTION I: FINDINGS AND INTENT

- A. The City Council of the City of Stockton finds that the current Stockton Municipal Code provisions for cannabis businesses require amendment in order to allow medical cannabis dispensaries the ability to see adult-use cannabis.
- B. The City Council finds that the amendment which addresses specific requirements for cannabis businesses is consistent with State Law (SB 94).

SECTION II: AMENDMENT OF CODE

Title 16, Chapter 16.20, Section16.20.020, Table 2-2, "Allowable Land Uses and Permit Requirements" of the Stockton Municipal Code (SMC) is hereby amended as follows:

16.20.020, Table 2-2, Allowable Land Uses and Permit Requirements.

TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

		-	PERI		1 15								-		. ::	CDECIEIO UNE
LAND USES	RE		RM						_						os	SPECIFIC USE STANDARDS
AGRICULTURAL AND RESC				•	•	•						1				•
Agricultural activities & facilities	Р											Р	Р		А	16.80.060
Conservation areas	L	L	L	L	L		L	L	L	L	L	L	L	L	L	
Medical cannabis cultivation											С	С	С			16.80.195
Mining											Α	Α	Α	Α		
BUSINESS AND PROFESSIO	NAI	L US	ES													
Banks and financial services					Р	Р	Р	Ρ	Ρ	Р			Р			-
Business support services						Р	Р	Р	Р	Р		Р	Р			
Offices					Р	Α	Р	Р	Р	Р		Α	Р	L		16.80.240
INDUSTRY, MANUFACTURIN	1G 8	PR	OCE	SSI	IG U	SES	;									· ·
Electricity generating plants/ facilities other than nuclear											С	С	Р	Р		16.80.170
Electronics, equipment & appliance manufacturing											Р	Р	Р			16.80.170
Fabric product manufacturing								Р			Ρ	Р	Р			16.80.170
Food and beverage product manufacturing								P.			Р	Р	Р			16.80.170

TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

ALLOWABLE LAND USES AND PERMIT REQUIREMENTS PERMIT REQUIREMENT BY ZONING DISTRICT SPECIFIC LISE																
LAND USES	RF	-	RM			_							PT		os	SPECIFIC USE STANDARDS
Furniture and fixtures manufacturing			12301			ON	00	CD	OL.	<u> </u>	P	Р	ρ		53	16.80.170
Handcraft industries, small- scale manufacturing								Ρ			Р	Р	Р			16.80.170
Laundries and dry cleaning plants											Р	Р	Р			16.80.170
Manufacturing																
Light	<u> </u>										Р	Р	Р			16.80.170
Heavy												Α	Р			16.80.170
Medical cannabls distribution																
Medical cannabis manufacturer																
Medical cannabis testing laboratory																
Metal products fabrication, machine/welding shops											Р	Р	Р			16.80.170
Petroleum storage and distribution												Α	Р			16.80.170
Printing and publishing								Р		Г	P	Р	Р	L		16.80.170
Recycling and waste facilities							i									
Collection facility							L	L	L		Р	Р	Р	L		16.80.290
Redemption centers																
Major							O	O	O		Ç	С	С	C		16.80.290
Minor							Α	Α	Α		Α	Α	Α	Α		16.80.290
Recycling facility												Α	Р	Α		16.80.290
Scrap and dismantling yards												Α	Р			16.80.170
Transfer stations												С	Р	Α		16.80.290
Research & development (R&D)								Α		L	Ω.	Р	Р	L		16.80.170
Storage yards											Ք	Р	Р	L		16.80.170
Warehouses											Р	Р	Р			16.80.170
Wholesaling and distribution								Р			Р	Р	Р			16.80.170

RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES

USES												 			
Activity centers	Α	Α	Α	Α	Α	Α	Α	Α	Α	L		Α	L	С	
Adult related establishments							Р	Ρ	Р						16.80.030
Auditoriums, meeting halls, and theaters						Р	Р	Ρ	Р	L			L		16.24.080(B)(2), 16.24.090(B), 16.24.110(D), 16.24.180(D)
Bridge clubs and nongambling board games					Р	Р	Ρ	Р	Р	L					
Card rooms							O	С	С	L					16.80.040
Clubs, lodges, and private meeting halls					Р	Р	P	Р	Р	L	Р	Р	Α		
Commercial amusement facilities						Α	Α	Α	Α	Α	Α				

TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

ALLO	VVA		PERI													
LAND USES	RE	RL		_	CO							_	PT		os	SPECIFIC USE STANDARDS
Educational facilities																·
Academic schools— Private	Α	Α	Α	Α	Α		Α	Α	Α							
Academic schools— Public	Р	Р	Р	Р										Р		
Colleges and universitles—Private		С			С											
Equipment repair and maintenance training							Ρ	Р		Α	Р			L		
Specialized education and training					Α	Α	Р	P	Р	Α	Р		Р	L		
Vehicle repair and maintenance training								Р		Α	Ρ	Р	Р	L		
Truck and heavy equipment education and training											Р	Р	Р	L		
Equestrian facilities	С										Α	Α		L	С	
Golf courses/country clubs	С	С	C	С	С		Α	Α			Α		Δ.	۲	Α	
Indoor recreation facilities							Α	Α	Α	Α	Α		Ρ	L		,
Libraries and museums		С	С	C	Р	Р	Р	Ρ	Р	P	Р			L.	Α	
Live entertainment						Р	Р	Р	Р					Р		16.80.180
Marinas							С	С			С		Α	Α	_	
Outdoor assembly facilities							Α	Α	Α					L		
Outdoor commercial recreation facilities							С	С	С	С	С			Α		-
Parks and playgrounds	Р	Р	Ъ	Р	Р	Р	Р	Р						Р	Р	
Pool halls/billiard parlors								С	С	L						16.80.040 16.80.270
Private entertainment facilities							С	С	С		O					
Private residential recreation facilities	Α	Α	Α	Α												16.80.030 16.80.270
Recreational vehicle parks							Α	Α			Α			L		
Religious facilities	Α	Α	Α	Α	Р	Р	Р	Р	Р	Р	Р			L		16.80.080
Studios					Р	Р	Р	Р	Р	L						
RESIDENTIAL USES																
Caretaker and employee housing					Р	Р	Р	Ρ	Р	Р	Р	L	L	L	L	
Dwelling group			Р	Р		Ρ		Р						L		
Duplexes		Ρ	Р	Ρ				Р						L		16.24.040
Mobile home parks		Α	Α	Α			Α	Α								16.80.210
Multifamily dwellings			Р	Р	Р	Р	Ρ	Р						L		16.80,220
Organizational houses				Α				Α								
Residential care facilities																
Assisted living facilities	Α		С	Р	Р	Р	Р	Р						L		16.80.300
Care homes, 6 or fewer clients		Р	Р	Р				Р						Р		
Family care homes, 7 or more clients	С			С				С						L		16.80.300

TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LANDLICEC	1		PER	MIT	REQ	UIR	EME	NT E	3Y Z	ONI	NG I	DIST	RIC	Γ		SPECIFIC USE
LAND USES	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	os	STANDARDS
Senior care facilities, 7 or more clients			Α	А	Α			Α						L		16.80.300
Rooming and boarding houses				Α				А						L		
Senior residential projects			Р	Р	Р	Р	Р	Р						L		16.80.220
Single-family dwellings	P	Р	P	Р				Р					<u> </u>	L		
Townhouses		Α	P	Р	Р	P	Р	Р					_	L		
Triplexes			Р	Р				Α						L		
RETAIL TRADE																
Agricultural chemical sales	<u> </u>	<u> </u>									Α	L	Р			16.36.080
Alcoholic beverage sales	<u> </u>				<u> </u>			<u> </u>								
Bars and nightclubs—On- sale						С	С	С	С							16.80.270
Sale of alcohol—Off-sale						С	С	С	O				С	С		16.80,040
With another use—On- sale						L	L	L	L				L	L		-
Artisan shops					Р	Р	Р	Р	Ρ	L	Р			Γ		
Auto and vehicle sales— New								L		Р						16.24.120 16.80.070 16.80.330
Auto and vehicle sales— Used							L			A	L					16.24.120 16.80.070 16.80.330
Auto and vehicle leasing/rental							Α	٦		A	L					16.80.070
Auto parts sales						Ρ	Ρ	P	Р	Α						
Building material stores						Α	Ρ	L	Ρ		۵					16.80.330
Construction, farm & heavy equipment sales							Α			Α	P	Р	Р			16.80.330
Convenience stores						С	С	С	С							16.80.040 16.80.140 16.80.270
Furniture, furnishings, and appliance stores					С	Р	P	Р	P	Р	Р					16.80.330
Mobile home sales										Α	Р					16.80.330
Nurseries and garden supply stores	Α				С	Α	Р	₽	Ρ	Р	Р					16.80.330
Outdoor retail sales and activities								Α	Α		Α					16.80.260
Pet shops						Р	Ъ	Р	Р]						
Recreational vehicle & boat sales—New/used								L		Α	L					16.80.330
Restaurants					Ъ	J	Ъ	Р	Ρ	P			Р			16.80.250
Retail stores					70	Ъ	Б	Р	Ρ	Р	Р		Р			16.80.330
Secondhand stores/pawn shops							Α	Α	Α							
Shopping centers																
Neighborhood							Ъ	Р								16.80.330
Community		Į []			Ъ	Р]						16.80.330

TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

			LAI PERI												1.1	SPECIFIC USE
LAND USES	RE		RM										PT		os	STANDARDS
Regional								Р	P			-	-	-		16.80.330
Warehouse retail stores			<u> </u>				С	С	С							16.80.330
SERVICES				<u> </u>	<u> </u>	L				I		L		1		10,00,000
Adult day care facilities					P	Р	Р	Р	Р				Α	L		
Animal services	1		İ					<u> </u>								
Adult-Use Cannabis									_							
Dispensary					<u> </u>		С		С		С	С			1	
Kennel and boarding facilities	Α				Α						Α	Α				
Pet grooming	Α				Α	Р	Р	Р	P	L						
Training facilities	Α				Α		L	L		L	L	L				
Veterinary clinics and animal hospitals	Α				Α	С	Р	Р	Р	Р	Р					16.80.370
Auto/vehicle services																
Car washes							Α	Α	Α	Р	Α		Р			<u>.</u>
Fueling stations						Α	L	L	L	P	L		Р			16.80.320 16.80.340
Inoperable vehicle storage											L	L				
Maintenance/minor repair						Α	Р	Р	Р	P	Р	Р	Р			16.80.320
Major repair/body work										Ρ	Р	Р	Р			16.80.340
Parking facilities		С	С	O	Α	Α	Р	Р	Р	Р	Р		Р	L		16.64.080
Vehicle storage								L,		Р	Р	Р	Р	Р	L	
Child care facilities																
Child care centers	C	С	С	C	Р	Р	Р	Р	Р	Р			Р	P		16.80.100
Large family child care homes	Α	Α	Α	Α	Α	А	Α	Α						Α		16.80.100
Small family child care homes	Р	Р	P	þ	Р	Р	Р	Р						Р		
Equipment rental								L	Р	Α	Р		Р			
Funeral facilities and services																!
Cemeteries		C	С	С	С		С	C		C	С	C		С	С	
Mortuaries							С	С		С	Α	Α	·	Α		
Funeral homes					Α	Α	Α	Α	-	Α						
Health/fitness facilities						Р	Р	Р	Р	L						
Lodging facilities																
Bed and breakfast		С	С	С	Р	Р	Ρ	Р						Α		16.80.090
Extended-stay facilities							Р	P	Р							
Single room occupancy facilities (SROs)							Α	Α								
Hotels and motels					Р		Р	Р	Р				Р			<u> </u>
Massage establishment																16.80.190
State certified					Р	Р	Р	Р	₽							
Non-certified						С	С	Α	Α							
Medical cannabis dispensaries							С		С		С	С				16.80.195
Medical services																

TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

	PERMIT REQUIREMENT BY ZONING DISTRICT											CDECIEIO HOE				
LAND USES	DE					_	_								00	SPECIFIC USE
	KE	KL	RM	KH	-	CN	_			CA	_	IG	PT		os	STANDARDS
Ambulance service	 		ļ .		A	_	P	Р	Р	L	Р		Р	L		
Clinics and laboratories	_				Р	Р	Р	Р	Р	L			Р	L		
Extended care	C	С	С	Р	Р		Р	Р		<u> </u>				L		
Health-related					Р	Р	Р		Р	L				Α		16.80.190
Hospitals	ļ				С		С	С						C		λ,
Medical-related facilities	<u> </u>				Р	Р	Р	Р	Р					Р		· · · · · · · · · · · · · · · · · · ·
Personal services— Restricted						С	С	Α	Α							
Personal services— Unrestricted						Р	Р	Р	Р				Р			····
Personal storage facilities (mini-storage)							Α		L	L	Р	Р	Р			16.80.200
Repair services						P	Р	Р	Р	Р	Р					·
Sanitary services	Ī										С	Α	Р	L		16.36.080
Social services facilities																
Drug abuse, alcohol recovery/treatment facility					Α		Α	Α						Α		<u> </u>
Feeding centers								С			С	С		Α		
Emergency shelters				С	С		С	С			Р	Р		Р		16.80.155
TRANSPORTATION AND CO	MM	UNIC	ATI	ON L	JSE	<u> </u>										
Broadcasting studios						Р	Р	Р	Р	Α	Р	Р	Р	L		 -
Communications facilities																*
Minor		Е	Е	Е	Р		Р	Р	Р	Р	Р	Р	Р	Р	Р	Ch. 16.44
Major					Α		Α	Α	Α	Α	Α	Р	Р	Α		Ch. 16.44
Transit stations and terminals							С	С			С	С	Р	С		- .
Vehicle and freight terminals											Р	Р	Р			···
OTHER USES			·													
Live-work space	ŀ				Р	Р	Р	Р	Р		Р					 -
Major impact facilities	1											С	С	С		· · · · · · · · · · · · · · · · · · ·
Motion picture production	1							Р			Р	P	Р	Ī		
Multi-use facilities	1				Р	Р	Р	Р	Р		Ā	À	P			16.80.230
Public and semipublic utility facilities	Α	Α	Α	Α	A	Α	Р	P	P	L	Р	Р	Р	L		. 5.35.255
Public institutions	С	С	С	С	С	С	С	С	С		С	С	L	L		
Signs—Off-premises	1				_	-	E	E	E		E	E	E	E		16.76.110

Key:

P = Use permitted L = Land development permit required A = Administrative use permit required C = Commission use permit required E = Use not allowed, except under special circumstances Empty box = Use not allowed

SECTION III: AMENDMENT OF CODE

Title 16, Chapter 16.240, section 16.240.020 is amended to read as follows:

Chapter 16.240 DEFINITIONS/GLOSSARY

16.240.020 Definitions of specialized terms and phrases.

Cannabis. Shall have the same meaning as set forth in Business and Professions Code Section 26001(f)as the same may be amended from time to time.

Cannabis Cultivation. Shall have the same meaning as set forth in Business and Professions Code Section 26001(I) as the same may be amended from time to time.

Cannabis Cultivation Site. Shall have the same meaning as set forth in Business and Professions Code Section 26001(m)as the same may be amended from time to time.

Cannabis Delivery. Shall have the same meaning as set forth in Business and Professions Code Section 26001(p) as the same may be amended from time to time.

Cannabis Dispensary. A retail location where medical and adult-use cannabis may be sold. For purposes of this chapter, "dispensary" shall also include a cooperative. "Dispensary" shall not include the following uses: (1) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; (2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; (3) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; (4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; (5) a residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

Cannabis Dispensing. Shall have the same meaning as set forth in Business and Professions Code Section 19300.5(o) as the same may be amended from time to time.

Cannabis Distribution. Shall have the same meaning as set forth in Business and Professions Code Section 26001(r) as the same may be amended from time to time.

Cannabis Distributor. Shall have the same meaning as set forth in Business and Professions Code Section 19300.5(q) as the same may be amended from time to time.

Cannabis Manufacturer. Shall have the same meaning as set forth in Business and Professions Code Section 26001(ah) as the same may be amended from time to time.

Cannabis Manufacturing Site. Shall have the same meaning as set forth in Business and Professions Code Section 19300.5(af) as the same may be amended from time to time.

Cannabis Nursery. Shall have the same meaning as set forth in Business and Professions Code Section 26001(aj) as the same may be amended from time to time.

Cannabis Products. Shall have the same meaning as set forth in Business and Professions Code Section 26001(j) as the same may be amended from time to time.

Cannabis Testing Laboratory. Shall have the same meaning as set forth in Business and Professions Code Section 26001(at) as the same may be amended from time to time.

Medical Cannabis, Medical Cannabis Product, or Cannabis Product. Shall have the same meanings as set forth in Business and Professions Code Section 26001(aj) as the same may be amended from time to time.

Medical and Adult-Use Cannabis Regulation and Safety Act or "MAUCRSA." Shall mean the framework for the regulation of commercial medicinal and adult-use cannabis in California. Shall mean the following bills signed into law on October 9, 2015: AB 243, AB 246, and SB 643; and amended in 2017 through SB 94.

SECTION VI: AMENDMENT OF CODE

Title 16, Chapter 16.80, section 16.80.195.A and 16.80.195.C are amended to read as follows:

16.80.195 Cannabis businesses—Permitting.

A. Cannabis Dispensaries.

- 1. **Conditional use permit required.** A conditional use permit is required to establish or operate a cannabis dispensary. A conditional use permit is required whether the dispensary will be selling medical or adults-use cannabis.
- 2. **Operators permit required.** After acquiring a Conditional Use Permit, a cannabis dispensary must obtain and maintain at all times a valid cannabis operators permit as required by Chapter 5.100.
- 3. Location requirements. The following location requirements apply to all cannabis dispensaries. The Review Authority may waive location requirements as provided in Chapter 16.176, consistent with applicable State location restrictions.
 - a. No cannabis dispensary shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other cannabis business or site having a valid use permit for a cannabis business:
 - b. No cannabis dispensary shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;
 - c. No cannabis dispensary shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility;
 - d. No cannabis dispensary shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any park or school, K-12.

Only those uses established and in operation as of the date that the application for a cannabis dispensary conditional use permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.

- 4. **Conditions of approval.** The planning commission may address development and operational standards through conditions on the conditional use permit as it is determined to be necessary or appropriate for the cannabis dispensary conditional use permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100, relating to operating requirements of cannabis dispensaries and shall be subordinate to conditions placed on the medical cannabis operators permit issued under Chapter 5.100.
- 5. **Parking.** Off-street parking shall be provided as required under Chapter 16.64 for retail trade.

- 6. **Application.** The application for a conditional use permit for a cannabis dispensary shall include a floor plan, site plan, neighborhood context map, and a security and lighting plan.
- 7. **Pre-existing medical cannabis dispensaries—Nonconforming.** No cannabis dispensary operating or purporting to operate without a valid business license and conditional use permit prior to the adoption of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such dispensary be deemed a legal nonconforming use under this Title 16.
- 8. Additional grounds for revocation of cannabis dispensary conditional use permit. In addition to the grounds stated in Section 16.108.030(B) for revocation of a conditional use permit, a conditional use permit for a cannabis dispensary may be revoked on either of the following grounds in accordance with the procedure under Section 16.108.030(A):
 - a. The cannabis dispensary is operated in a manner that violates any of the provisions of state law or this code; or
 - b. The cannabis dispensary does not have a valid medical cannabis operators permit required by Chapter 5.100.
- 9. **Adult-Use Sales**. Existing dispensaries may also sell adult-use cannabis with a valid amendment to their existing Conditional Use Permit in accordance with Section 16.108 and their existing Operators' Permit in accordance with Chapter 5.100.

If an applicant holds an active medical cannabis conditional use permit, a major amendment to the conditional use permit is required to add adult-use cannabis as an additional land use.

- B. **Prohibition of Certain Cannabis Businesses.** The following cannabis businesses shall be prohibited in the City of Stockton:
 - 1. Any cannabis business engaging in the sale of adult-use cannabis or adult-use cannabis products at a location other than an existing cannabis dispensary and any business engaging in the cultivation of adult-use cannabis, as provided in Business and Professions Code Section 26000, et seq.; and
 - 2. Any cannabis business engaged in delivery, distribution, or manufacture of cannabis or operating a cannabis testing laboratory, as defined in Business and Professions Code Section 26001.

SECTION VII: SEVERABILITY

If any of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act

which can be given without the invalid provision or application, and to this end, the provisions of this act are severable.

SECTION VIII: EFFECTIVE DATE

This Ordinance shall take effect and passage.	be in full force thirty (30) days after its
ADOPTED:	
EFFECTIVE:	
	MICHAEL D. TUBBS Mayor of the City of Stockton
ATTEST:	
CHRISTIAN CLEGG Deputy City Manager and Interim City Clerk of the City of Stockton	