

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

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

PASSED, APPROVED and ADOPTED: August 23, 2018.



DON M. AGUILLARD, CHAIR
CITY OF STOCKTON PLANNING COMMISSION

ATTEST:



DAVID 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, Section 16.20.020, 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**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
AGRICULTURAL AND RESOURCE-RELATED USES																
Agricultural activities & facilities	P										P	P		A	16.80.060	
Conservation areas	L	L	L	L	L		L	L	L	L	L	L	L	L		
Medical cannabis cultivation											C	C	C		16.80.195	
Mining											A	A	A	A		
BUSINESS AND PROFESSIONAL USES																
Banks and financial services					P	P	P	P	P	P			P			
Business support services						P	P	P	P	P		P	P			
Offices					P	A	P	P	P	P		A	P	L	16.80.240	
INDUSTRY, MANUFACTURING & PROCESSING USES																
Electricity generating plants/ facilities other than nuclear											C	C	P	P	16.80.170	
Electronics, equipment & appliance manufacturing											P	P	P		16.80.170	
Fabric product manufacturing								P			P	P	P		16.80.170	
Food and beverage product manufacturing								P			P	P	P		16.80.170	

**TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Furniture and fixtures manufacturing											P	P	P			16.80.170
Handcraft industries, small-scale manufacturing								P			P	P	P			16.80.170
Laundries and dry cleaning plants											P	P	P			16.80.170
Manufacturing																
Light											P	P	P			16.80.170
Heavy												A	P			16.80.170
Medical cannabis distribution																
Medical cannabis manufacturer																
Medical cannabis testing laboratory																
Metal products fabrication, machine/welding shops											P	P	P			16.80.170
Petroleum storage and distribution												A	P			16.80.170
Printing and publishing								P		L	P	P	P	L		16.80.170
Recycling and waste facilities																
Collection facility							L	L	L		P	P	P	L		16.80.290
Redemption centers																
Major							C	C	C		C	C	C	C		16.80.290
Minor							A	A	A		A	A	A	A		16.80.290
Recycling facility												A	P	A		16.80.290
Scrap and dismantling yards												A	P			16.80.170
Transfer stations												C	P	A		16.80.290
Research & development (R&D)								A		L	P	P	P	L		16.80.170
Storage yards											P	P	P	L		16.80.170
Warehouses											P	P	P			16.80.170
Wholesaling and distribution								P			P	P	P			16.80.170

RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES

Activity centers	A	A	A	A	A	A	A	A	A	L			A	L	C	
Adult related establishments							P	P	P							16.80.030
Auditoriums, meeting halls, and theaters						P	P	P	P	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					P	P	P	P	P	L						
Card rooms							C	C	C	L						16.80.040
Clubs, lodges, and private meeting halls					P	P	P	P	P	L	P		P	A		
Commercial amusement facilities						A	A	A	A	A	A					

**TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Educational facilities																
Academic schools—Private	A	A	A	A	A		A	A	A							
Academic schools—Public	P	P	P	P										P		
Colleges and universities—Private		C			C											
Equipment repair and maintenance training							P	P		A	P			L		
Specialized education and training					A	A	P	P	P	A	P		P	L		
Vehicle repair and maintenance training								P		A	P	P	P	L		
Truck and heavy equipment education and training											P	P	P	L		
Equestrian facilities	C										A	A		L	C	
Golf courses/country clubs	C	C	C	C	C		A	A			A		P	L	A	
Indoor recreation facilities							A	A	A	A	A		P	L		
Libraries and museums		C	C	C	P	P	P	P	P	P	P			L	A	
Live entertainment						P	P	P	P					P		16.80.180
Marinas							C	C			C		A	A		
Outdoor assembly facilities							A	A	A					L		
Outdoor commercial recreation facilities							C	C	C	C	C			A		
Parks and playgrounds	P	P	P	P	P	P	P	P						P	P	
Pool halls/billiard parlors								C	C	L						16.80.040 16.80.270
Private entertainment facilities							C	C	C		C					
Private residential recreation facilities	A	A	A	A												16.80.030 16.80.270
Recreational vehicle parks							A	A			A			L		
Religious facilities	A	A	A	A	P	P	P	P	P	P	P			L		16.80.080
Studios					P	P	P	P	P	L						

RESIDENTIAL USES

Caretaker and employee housing					P	P	P	P	P	P	P	L	L	L	L	
Dwelling group			P	P		P		P						L		
Duplexes		P	P	P				P						L		16.24.040
Mobile home parks		A	A	A			A	A								16.80.210
Multifamily dwellings			P	P	P	P	P	P						L		16.80.220
Organizational houses				A				A								
Residential care facilities																
Assisted living facilities	A		C	P	P	P	P	P						L		16.80.300
Care homes, 6 or fewer clients		P	P	P				P						P		
Family care homes, 7 or more clients	C			C				C						L		16.80.300

[illegible]

**TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Ambulance service					A		P	P	P	L	P		P	L		
Clinics and laboratories					P	P	P	P	P	L			P	L		
Extended care	C	C	C	P	P		P	P						L		
Health-related					P	P	P		P					A		16.80.190
Hospitals					C		C	C						C		
Medical-related facilities					P	P	P	P	P					P		
Personal services— Restricted						C	C	A	A							
Personal services— Unrestricted						P	P	P	P				P			
Personal storage facilities (mini-storage)							A		L	L	P	P	P			16.80.200
Repair services						P	P	P	P	P	P					
Sanitary services											C	A	P	L		16.36.080
Social services facilities																
Drug abuse, alcohol recovery/treatment facility					A		A	A						A		
Feeding centers								C			C	C		A		
Emergency shelters				C	C		C	C			P	P		P		16.80.155
TRANSPORTATION AND COMMUNICATION USES																
Broadcasting studios						P	P	P	P	A	P	P	P	L		
Communications facilities																
Minor		E	E	E	P		P	P	P	P	P	P	P	P	P	Ch. 16.44
Major					A		A	A	A	A	A	P	P	A		Ch. 16.44
Transit stations and terminals							C	C			C	C	P	C		
Vehicle and freight terminals											P	P	P			
OTHER USES																
Live-work space					P	P	P	P	P		P					
Major impact facilities												C	C	C		
Motion picture production								P			P	P	P			
Multi-use facilities					P	P	P	P	P		A	A	P			16.80.230
Public and semipublic utility facilities	A	A	A	A	A	A	P	P	P	L	P	P	P	L		
Public institutions	C	C	C	C	C	C	C	C	C		C	C	L	L		
Signs—Off-premises							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(l) 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 be in full force thirty (30) days after its passage.

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