



City of Camarillo

Planning Commission AGENDA REPORT COVER

DATE: October 3, 2023

TO: Planning Commission

FROM: David Moe, Interim Community Development Director

SUBMITTED BY: Justin A. Tamayo, Esq.

SUBJECT: Proposed Zoning Ordinance Amendments to Sections 19.55.030, and 19.32.040 and the Addition of Section 19.32.325 to the Camarillo Municipal Code for Medicinal Cannabis

BACKGROUND

The California Legislature adopted Senate Bill 1186 ("SB 1186") in 2022 which precludes cities from imposing regulations that have the effect of prohibiting medicinal cannabis delivery within the City and becomes effective on January 1, 2024. SB 1186 declares that any public agency that does not permit a physical premise for the retail sale of medicinal cannabis by delivery may now be permitted and prohibits a public agency from imposing medicinal cannabis delivery establishments within the City. Accordingly, the proposed Ordinance will update the City's existing regulations in accordance with State law.

PUBLIC NOTICE

A Notice of Public Hearing has been advertised for the Planning Commission meeting of October 3, 2023, posted at Camarillo City Hall, as well as on the City's website (www.cityofcamarillo.org), and an advertisement published in a newspaper of general circulation for the area (Camarillo Acorn).

ENVIRONMENTAL REVIEW

The Ordinance was reviewed in accordance with the California Environmental Quality Act (CEQA) and the State CEQA guidelines, as well as the City's environmental guidelines, and was determined to be categorically exempt from the provisions of CEQA under Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000, specifically: Section 15060(c)(2), because the proposed Ordinance will not result in a

direct or reasonably foreseeable indirect physical change in the environment; and Section 15061(b)(3), because the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Therefore, the adoption of this Ordinance is exempt from CEQA and no further environmental review is necessary.

DISCUSSION

Pursuant to SB 1186, a City may regulate any of the following, that has the effect of prohibiting the retail sale by delivery of medicinal cannabis:

- (1) The number of medicinal cannabis businesses authorized to deliver medicinal cannabis in the local jurisdiction.
- (2) The operating hours of medicinal cannabis businesses.
- (3) The number or frequency of sales by delivery of medicinal cannabis.
- (4) The types or quantities of medicinal cannabis authorized to be sold by delivery.
- (5) The establishment of physical premises from which retail sale by delivery of medicinal cannabis within the jurisdiction is conducted by a licensed non-storefront retailer.¹

However, SB 1186 allows the City to impose reasonable regulations on the retail sale by delivery of medicinal cannabis through the City's police powers. Therefore, the City can adopt and enforce reasonable regulations on the non-storefront retail delivery of medicinal cannabis related to:

- (1) Zoning requirements.
- (2) Security or public health and safety requirements.
- (3) Licensing requirements.
- (4) Imposing or collecting applicable state or local taxes on retail sales of medicinal cannabis occurring within the city.
- (5) Regulations consistent with requirements or restrictions imposed on cannabis businesses by state law or regulations issued by the Department of Cannabis Control.²

The proposed Ordinance will ensure that the Camarillo Municipal Code (CMC) is compliant with State law concerning medicinal cannabis effective on January 1, 2024, by:

- (1) Amending CMC §19.55.030 (Prohibition on commercial cannabis facilities and cannabis deliveries) by exempting medicinal cannabis facilities from the City's prohibition and revising the delivery standards for medicinal cannabis;

¹ Business and Professions Code § 26322(a)(1)-(5)

² Business and Professions Code § 26322(b)

- (2) Amending the conditionally permitted uses in the General Manufacturing (“M-2”) Zone, CMC § 19.32.040 (Uses permitted by conditional use permit), to include medicinal cannabis retailer; and
- (3) Adding a new section to the CMC, CMC § 19.32.325 (Medicinal Cannabis Retailer (delivery only)) which imposes operational standards on physical premises from which retail sale by delivery of medicinal cannabis is conducted.

A redlined copy of the affected CMC code sections is attached for reference (attachment 3).

SUGGESTED ACTION

1. Recommend that the proposed ordinance is exempt from the California Environmental Quality Act (“CEQA”) Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000, specifically: Section 15060(c)(2), because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment; and Section 15061(b)(3), because the ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and,
2. Adopt a resolution recommending approval to the City Council of the proposed Ordinance amending sections 19.55.030 and 19.32.040 and the addition of section 19.32.325 to the Camarillo Municipal Code to implement State law related to Medicinal Cannabis.

ATTACHMENTS

1. Resolution
2. Senate Bill 1186 Bill Text
3. CMC Redlines
4. Public Hearing Notice