



Municipal Code Text Amendment No. TA-21-116

City Council Meeting

September 13, 2021

Item 5.8

Summary



- ▶ Municipal Code Text Amendment No. 21-116 is a Council-initiated proposal to modify Chapter 5.04 titled “Business Licenses Generally”, Chapter 5.26 titled “Prohibition Against Commercial Cannabis” and Chapter 17.18 titled “Prohibited Cannabis Activities” to permit commercial cannabis activities to operate in the City.
- ▶ The proposed amendments include establishing cannabis regulations to protect the health, safety, and welfare of the residents and to enforce rules and regulations consistent with State law.

Background



State of California

- ▶ In November 2016, the voters of the State of California approved and passed Proposition 64, also known as the “Adult Use of Marijuana Act”, legalizing the cultivation, commercial sale, and possession of recreational marijuana for adults age 21 or older.
- ▶ In June 2017, California passed SB 94 to create a single regulatory scheme for both medicinal and adult-use cannabis businesses.

Background



City of Lathrop

- ▶ On January 29, 2018, the City Council adopted an ordinance prohibiting all commercial cannabis activities in the City.
- ▶ On February 8, 2021, an initial Regional Cannabis Update was presented to City Council providing an update on cannabis regulations and permitting in San Joaquin County.

Background



City of Lathrop

- ▶ On July 12, 2021, a Cannabis Update was presented to City Council providing a survey of surrounding jurisdiction's cannabis regulations and various State license types and descriptions.
- ▶ On August 2, 2021, a Commercial Cannabis Discussion was conducted by the City Council and further provided options for the City Council to discuss and provide direction to the City. City Council provided direction to City Staff to prepare an Ordinance to establish cannabis regulations and to allow one (1) cannabis dispensary to operate in the City.

Background



City of Lathrop

- ▶ On September 1, 2021, the proposed Text Amendments were presented to Planning Commission at a special meeting. During their deliberation, the Planning Commission raised the following concerns related to the location in which the single cannabis dispensary will be located:
 - May be incompatible with existing commercial retail establishments;
 - Foot-traffic at a cannabis dispensary (long waiting lines);
 - Consideration to allow the cannabis dispensary to operate in the Industrial Zoning Districts.

Background



City of Lathrop

- ▶ Following their deliberation, the Planning Commission voted 4–1 recommending the City Council approve the proposed amendments. The Planning Commission action includes the following recommendations:
 - Remove the following Zoning Districts: Regional Commercial–River Islands, Neighborhood Commercial, Service Commercial–Mossdale Village, Commercial Office–Central Lathrop, and Village Commercial–Mossdale Village.

Background



City of Lathrop

- Allow the cannabis dispensary to operate in the Industrial Zoning Districts (Limited Industrial and General Industrial), subject to the approval of a Conditional Use Permit.
- Increase the City Council recommended buffer from 1,000 feet to 1,500 feet on Lathrop Road/Spartan Way and Golden Valley Parkway.

Amendments



- ▶ Chapter 5.04: Business Licenses Generally
 - Amend Section 5.04.190: *Authorization by chief of police* to add Cannabis Business as a use that requires Chief of Police authorization prior to being issued.

Amendments



- ▶ Chapter 5.26: Prohibition Against Commercial Cannabis
 - Rename the Chapter to “Commercial Cannabis Regulations” and remove language related to prohibiting cannabis activities.
 - Require cannabis business to obtain a Development Agreement, Conditional Use Permit, Site Plan Review (if applicable), a valid State license, and City business license prior to operating in the City.

Amendments



▶ Chapter 5.26: Commercial Cannabis Regulations

- Provide procedures for selecting the cannabis business to operate in the City. The selection process may include a request for proposal and scoring or ranking system for City Council consideration.
- Define the purpose and potential terms of the Development Agreement including but not limited to public outreach and education, payment of fees, etc.

Amendments



▶ Chapter 5.26: Commercial Cannabis Regulations

- Define the maximum number of types of cannabis businesses authorized to operate in the City. (one (1) cannabis dispensary).
- Require a 600–ft. buffer from schools, day cares, and youth centers and a 1,500–ft. buffer (measured from centerline) from Lathrop Road/Spartan Way and Golden Valley Parkway

City Council Recommended Buffer – 1,000 ft.

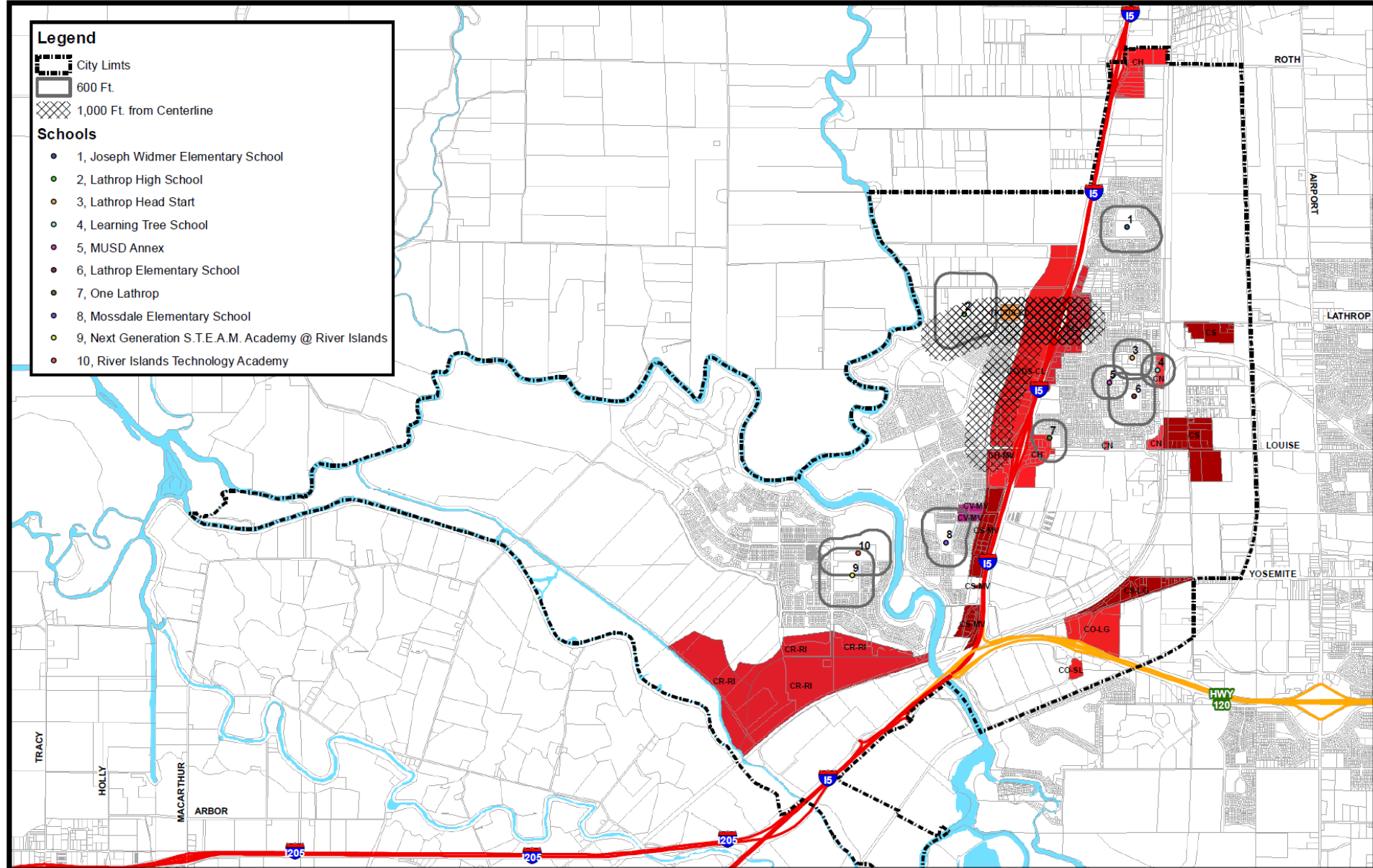


Legend

- City Limits
- 600 Ft.
- 1,000 Ft. from Centerline

Schools

- 1, Joseph Widmer Elementary School
- 2, Lathrop High School
- 3, Lathrop Head Start
- 4, Learning Tree School
- 5, MUSD Annex
- 6, Lathrop Elementary School
- 7, One Lathrop
- 8, Mossdale Elementary School
- 9, Next Generation S.T.E.A.M. Academy @ River Islands
- 10, River Islands Technology Academy



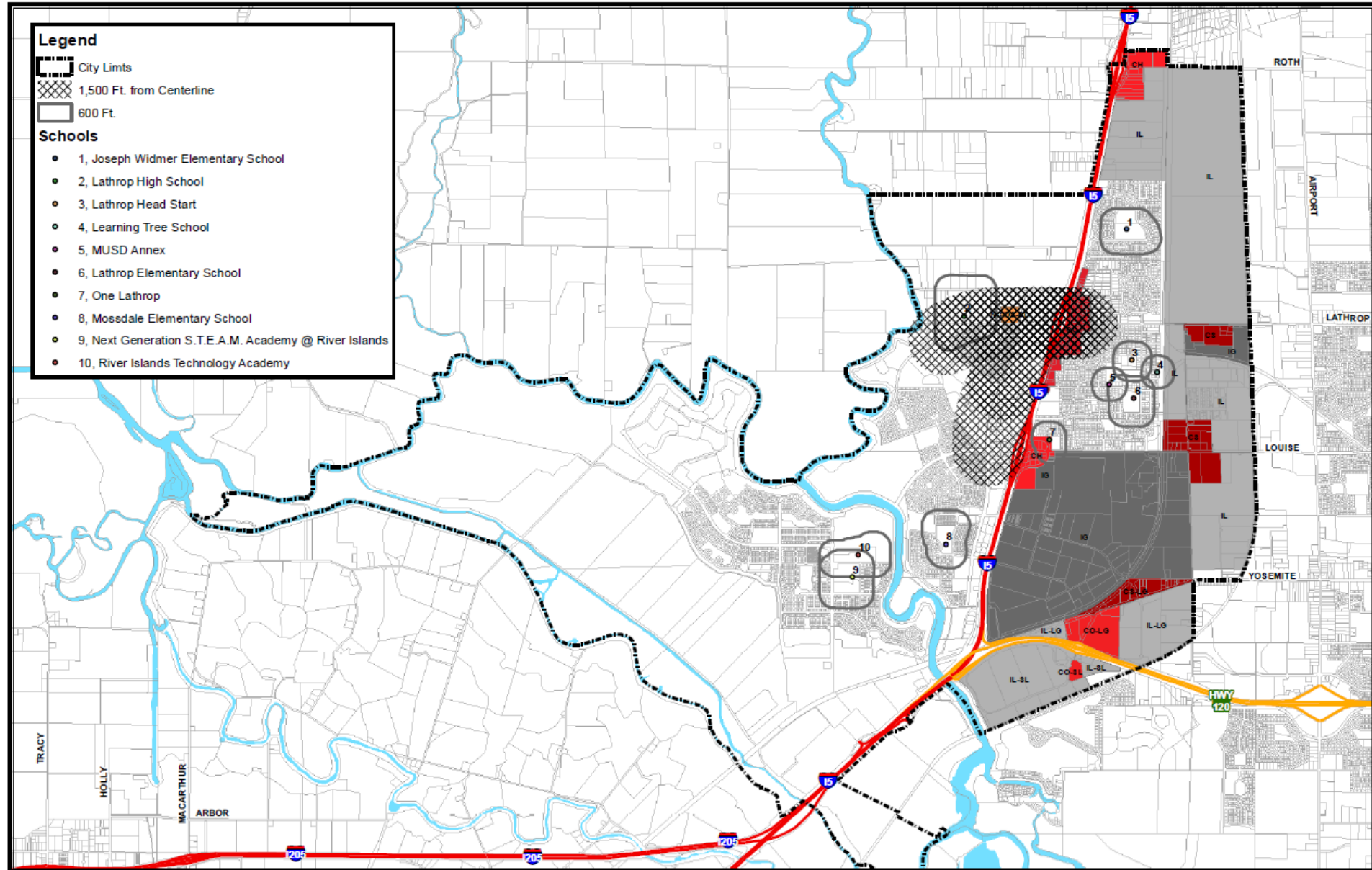
1,500-ft. Buffer

Legend

- City Limits
- 1,500 Ft. from Centerline
- 600 Ft.

Schools

- 1, Joseph Widmer Elementary School
- 2, Lathrop High School
- 3, Lathrop Head Start
- 4, Learning Tree School
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- 6, Lathrop Elementary School
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- 8, Mossdale Elementary School
- 9, Next Generation S.T.E.A.M. Academy @ River Islands
- 10, River Islands Technology Academy



Amendments



▶ Chapter 5.26: Commercial Cannabis Regulations

- Regulations and standards for cannabis dispensaries, such as submittal requirements, security standards, odor control, insurance, waste management, etc.
- Development and operational standards for all commercial cannabis businesses such a hours of operation, emissions control and restrictions on alcohol consumption.

Amendments



▶ Chapter 5.26: Commercial Cannabis Regulations

- Employee requirements for cannabis businesses including authorization for the Chief of Police to implement an employee permit system.
- Enforcement and inspection standards, such as allowing the City to inspect the cannabis business and enforce rules and regulations as applicable.

Amendments



- ▶ Chapter 17.18: Prohibited Cannabis Activities
 - Rename the Chapter to “Cannabis Activities” and remove language related to prohibiting commercial cannabis activities.
 - Establish a permitted use table for commercial cannabis activities.

Amendments

17.18.040 Commercial Cannabis – Use Table

Commercial Cannabis – Use Table^{1,2}

<u>Commercial Cannabis Use</u>	<u>CC</u>	<u>CS</u>	<u>CH</u>	<u>CO-LG</u>	<u>CS-LG</u>	<u>CO-SL</u>	<u>NC-CL</u>	<u>IL</u>	<u>IG</u>	<u>IL-LG</u>	<u>IL-SL</u>
<u>Cannabis cultivation business</u>											
<u>Cannabis delivery business (stand-alone)</u>											
<u>Cannabis dispensary</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Cannabis distribution business</u>											
<u>Cannabis manufacturing business</u>											
<u>Cannabis testing laboratory</u>											
<u>Cannabis microbusiness</u>											

CC – Community Commercial

CS – Commercial Service

CH – Commercial Highway

CO-LG – Commercial Office – Lathrop Gateway

CS-LG – Service Commercial – Lathrop Gateway

NC-CL – Neighborhood Commercial – Central Lathrop

IL – Limited Industrial

IG – General Industrial

IL-LG – Limited Industrial – Lathrop Gateway

IL-SL – Limited Industrial – South Lathrop

¹Must comply with Chapter 5.26, Commercial Cannabis Regulations.

²Commercial cannabis use not listed or identified with a “C” in this Table are prohibited.

CEQA



- ▶ The proposed Municipal Code Amendment is exempt according to CEQA Article 5 Section 15061 by the “Common Sense Exemption” and Business and Professions Code Section 26055(h).
- ▶ The proposed Commercial Cannabis Regulation Ordinance allows for requiring discretionary review and adequate environmental compliance for each application. Specific development projects undertaken in the future pursuant to the amended municipal code would be required to comply with CEQA at that time.

Recommendation



- ▶ Planning Commission and Staff Recommendation:
- ▶ Conduct the Public Hearing; and
- ▶ Conduct First Reading and Introduce and Ordinance Amending Title 5, Business Licenses and Regulations, Chapter 5.04, Business Licenses Generally, Chapter 5.26, Prohibition Against Commercial Cannabis, and Title 17, Zoning, Chapter 17.18, Prohibited Cannabis Activities.



Questions / Comments?