

**AGENDA**  
**SPECIAL MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., APRIL 30, 2018**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

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*Next Resolution No. PC18-08*

**1. ROLL CALL:**

Chairperson Clemente  
Vice-Chair Osborne  
Commissioner Borja  
Commissioner Holzwarth  
Commissioner Pal  
Commissioner Ramos  
Commissioner Thomas

Pledge of Allegiance  
Invocation

**2. ANNOUNCEMENTS:**

None

**3. MINUTES:**

Approval of Planning Commission minutes of March 13, 2018, March 15, 2018 and March 19, 2018.

**4. AUDIENCE COMMUNICATIONS:**

This is a time for public comments for items that are not listed on this agenda. Comments should be brief. If you have an item that will require extended discussion, please request the item be scheduled on a future agenda.

**CONFLICT OF INTEREST NOTIFICATION**

*(Any items on this agenda that might be a conflict of interest to any Commissioner should be identified at this time.)*

**5. PUBLIC HEARINGS:**

*For each of the following items, the public will be given an opportunity to speak. After a Staff Report, the Chair will open the Public Hearing. At that time, the applicant will be allowed to make a presentation. Members of the public will then be allowed to speak. After all have spoken, the applicant is allowed to respond to issues raised by the public, after which the Public Hearing is normally closed. Comments should be brief and to the point. The Chair reserves the right to limit repetitious or non-related comments. The public is reminded that all decisions of the Planning Commission are appealable to the City Council by filing a written Notice of Appeal with the City Clerk within ten (10) calendar days.*

**A. A Resolution of the Planning Commission of the City of Suisun City, recommending that the City Council Adopt an Ordinance Adding Chapter 18.49 “Personal Cultivation and Commercial Cannabis Regulation” to, and Repealing Chapters 5.42 “Marijuana Uses and Activities” and 18.59 “Prohibited Businesses” from, the Suisun City Code.**

- **Adoption of Resolution No. PC18-\_\_\_-.**

**6. COMMUNICATION:**

**A. Staff**

**B. Commission**

**C. Agenda Forecast**

**7. ADJOURN.**

*a&m/180430.pca*

**MINUTES**  
**REGULAR MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., MARCH 13, 2018**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

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*Next Resolution No. PC18-05*

**1. ROLL CALL:**

Present:

Chairperson Clemente  
Vice-Chair Osborne  
Commissioner Borja  
Commissioner Holzwarth  
Commissioner Pal

Absent:

Commissioner Ramos  
Commissioner Thomas

**2. ANNOUNCEMENTS:**

None

**3. MINUTES:**

Commissioner Pal moved to approve the Planning Commission minutes of March 5, 2018. Commissioner Borja seconded the motion. Motion passed 5-0.

**4. AUDIENCE COMMUNICATIONS:**

Michael Zeiss, 832 Driftwood Drive, spoke to the Commission regarding setting specific goals and guidelines for affordable housing and asked that the item be placed on a future agenda for discussion.

**CONFLICT OF INTEREST NOTIFICATION**

None

**5. PUBLIC HEARINGS:**

*Chairperson Clemente read the following statement:*

*There is no staff report due to Senior Planner, John Kearns absence. The public hearing will be continued to Thursday, March 15<sup>th</sup>. If any member of the public cannot attend the hearing on the new date provided you are now invited to come up to the podium and speak. To be clear, those who choose to speak now won't have the benefit of information provided until the new hearing date.*

*Chairperson Clemente opened the Public Hearing and there being no comments continued the Public Hearing to Thursday, March 15<sup>th</sup>.*

- A. A Request to Vary Setbacks for an Accessory Structure in the Side Yard (Street Side) of 704 Woodlark Drive (APN 0173-182-040).

**Adoption of Resolution PC18-\_\_\_; A Resolution of the City of Suisun City Planning Commission Approving Variance Application No. VR18-01: A Request to Vary the Setbacks for an Accessory Structure on the Side Yard (Street Side) of 704 Woodlark Drive (APN 0173-182-040).**

- Adoption of Resolution No. PC18-\_\_\_-.

**B. Amendments to Title 18 “Zoning” of the Suisun City Code.**

**Resolution No. PC18-\_\_\_; A Resolution of the Planning Commission of the City of Suisun City Recommending City Council Adoption of Amendments to Title 18 “Zoning” of the Suisun City Code.**

- Adoption of Resolution No. PC18-\_\_\_-.

**6. GENERAL BUSINESS:**

*Chairperson Clemente read the following statement:*

*There is no staff report due to Senior Planner, John Kearns absence. The public hearing will be continued to Thursday, March 15<sup>th</sup>. If any member of the public cannot attend the hearing on the new date provided you are now invited to come up to the podium and speak. To be clear, those who choose to speak now won't have the benefit of information provided until the new hearing date.*

*Chairperson Clemente opened General Business and there being no comments continued General Business to Thursday, March 15<sup>th</sup>.*

**A. 2017 Annual Report of the Suisun City General Plan.**

**Resolution PC18-\_\_\_; A Resolution of the City of Suisun City Planning Commission Recommending City Council Acceptance of the 2017 Annual Report of the Suisun City General Plan.**

- Adoption of Resolution No. PC18-\_\_\_-.

**7. COMMUNICATION:**

**A. Staff:** None

**B. Commission:** None

**Agenda Forecast:** Continued Public Hearings and General Business to Thursday, March 15<sup>th</sup>.

**8. ADJOURN.**

There being no further business the meeting was adjourned at 7:18pm.

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Anita Skinner, Commission Sectary

**MINUTES**  
**SPECIAL MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., MARCH 15, 2018**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

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*Next Resolution No. PC18-05*

**1. ROLL CALL:**

Chairperson Clemente  
Vice-Chair Osborne  
Commissioner Borja  
Commissioner Holzwarth  
Commissioner Thomas

Absent:  
Commissioner Pal  
Commissioner Ramos

**2. ANNOUNCEMENTS:**

None

**3. AUDIENCE COMMUNICATIONS:**

None.

**CONFLICT OF INTEREST NOTIFICATION**

None

**4. CONTINUED PUBLIC HEARINGS:**

*Chairperson Clemente read the following statement:  
There is no staff report due to Senior Planner, John Kearns absence. The public hearing will be continued to Monday, March 19<sup>th</sup>. If any member of the public cannot attend the hearing on the new date provided you are now invited to come up to the podium and speak. To be clear, those who choose to speak now won't have the benefit of information provided until the new hearing date.*

*Chairperson Clemente opened the Public Hearing and there being no comments continued the Public Hearing to Monday, March 19<sup>th</sup>.*

**A. A Request to Vary Setbacks for an Accessory Structure in the Side Yard (Street Side) of 704 Woodlark Drive (APN 0173-182-040).**

**Adoption of Resolution PC18-\_\_\_; A Resolution of the City of Suisun City Planning Commission Approving Variance Application No. VR18-01: A Request to Vary the Setbacks for an Accessory Structure on the Side Yard (Street Side) of 704 Woodlark Drive (APN 0173-182-040).**

- **Adoption of Resolution No. PC18-\_\_\_-.**

**B. Amendments to Title 18 "Zoning" of the Suisun City Code.**

**Resolution No. PC18-\_\_\_; A Resolution of the Planning Commission of the City of Suisun City Recommending City Council Adoption of Amendments to Title 18 “Zoning” of the Suisun City Code.**

- **Adoption of Resolution No. PC18-\_\_\_-.**

**5. CONTINUED GENERAL BUSINESS:**

*Chairperson Clemente read the following statement:*

*There is no staff report due to Senior Planner, John Kearns absence. The public hearing will be continued to Monday, March 19<sup>h</sup>. If any member of the public cannot attend the hearing on the new date provided you are now invited to come up to the podium and speak. To be clear, those who choose to speak now won't have the benefit of information provided until the new hearing date.*

*Chairperson Clemente opened General Business and there being no comments continued General Business to Monday, March 19<sup>h</sup>*

**A. 2017 Annual Report of the Suisun City General Plan.**

**Resolution PC18-\_\_\_; A Resolution of the City of Suisun City Planning Commission Recommending City Council Acceptance of the 2017 Annual Report of the Suisun City General Plan.**

- **Adoption of Resolution No. PC18-\_\_\_-.**

**7. COMMUNICATION:**

**A. Staff:** None

**B. Commission:** None

**C. Agenda Forecast:** Continue Public Hearing and General Business to Monday, March 19<sup>th</sup>.

**8. ADJOURN.**

There being no further business the meeting was adjourned at 7:07pm.

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Anita Skinner, Commission Secretary

**MINUTES**  
**SPECIAL MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., MARCH 19, 2018**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

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*Next Resolution No. PC18-05*

**1. ROLL CALL:**

Vice-Chair Osborne  
Commissioner Borja  
Commissioner Holzwarth  
Commissioner Pal  
Commissioner Thomas

Absent  
Chairperson Clemente  
Commissioner Ramos

Pledge of Allegiance  
Invocation

**2. ANNOUNCEMENTS:**

None

**3. MINUTES:**

On March 13, 2018 Commissioner Pal moved to approve the Planning Commission minutes of March 5, 2018. Commissioner Borja seconded the motion. Motion passed 5-0.

**4. AUDIENCE COMMUNICATIONS:**

None.

**CONFLICT OF INTEREST NOTIFICATION**

None.

**5. CONTINUED PUBLIC HEARINGS:**

- A. A Request to Vary Setbacks for an Accessory Structure in the Side Yard (Street Side) of 704 Woodlark Drive (APN 0173-182-040).**

**Adoption of Resolution PC18-\_\_\_; A Resolution of the City of Suisun City Planning Commission Approving Variance Application No. VR18-01: A Request to Vary the Setbacks for an Accessory Structure on the Side Yard (Street Side) of 704 Woodlark Drive (APN 0173-182-040).**

- **Adoption of Resolution No. PC18-\_\_\_.**

Senior Planner, John Kearns, opened with what the applicant prepared and submitted to support his application for variance. He indicated that the materials were included as Attachment 2 "Application Materials" to the staff report. The materials included a narrative as well as copies of the approved building permit plans (and inspection information) and a representation of the existing structure as it sits presently. John also provided the commission photos of the structure. He then provided a background of the project. The applicant, Mr. Greg Givens, applied for

and was granted a building permit to locate a 14' x 24' accessory structure (or auxiliary building) on the side yard of 704 Woodlark Drive (southwest corner of Pintail Drive and Woodlark Drive). The permit was issued on June 8, 2017. Following commencement of construction, the Building Inspector stopped work as construction was not proceeding per the approved building plans. Further, it was discovered that the structure was constructed within a public utility easement (PUE) and that the property line was actually set 2.5' off of the sidewalk (south of) versus the true back of sidewalk. After communications with the property owner, it was determined that one possible remedy to the situation would be for the owner to apply for a variance.

Mr. Greg Givens then came up to the podium to speak. He stated he takes full responsibility for the contractor's errors. But after the construction was put on halt he worked very closely with Mr. Kearns in order to rectify the mistake and be compliant. Mr. Givens also stated that he worked with his attorney and prepared a draft letter at his own personal expense.

Senior Planner John Kearns added that the utility companies have been notified and the applicant is aware that if they need to get into the space they may ask him to remove or modify his structure.

Commissioner Pal stated he appreciated that Mr. Givens is working with the city. He then asked, if the variance was to be approved, would the attorney want something recordable that is in the license agreement?

Vice Chair Osborne restated the question to clarify the process of a license agreement.

Senior Planner, John Kearns, affirmed that Mr. Givens worked with his attorney and provided a draft letter at the applicant's personal expense. He went on to say that if the Planning Commission were to approve the variance request, staff has requested that a condition be adopted as part of the resolution that requires a license agreement be executed by both parties. Upon execution of the agreement, it will then be recorded with Solano County and run with the land.

Chairperson Pal moved to Adopt Resolution PC18-\_\_\_; A Resolution of the City of Suisun City Planning Commission Approving Variance Application No. VR18-01: A Request to Vary the Setbacks for an Accessory Structure on the Side Yard (Street Side) of 704 Woodlark Drive (APN 0173-182-040) with the condition a license agreement be executed by both parties. Upon execution of the agreement, it will then be recorded with Solano County and run with the land. Commissioner Borja seconded the motion. Motion passed by roll call vote 5-0.

## **B. Amendments to Title 18 "Zoning" of the Suisun City Code.**

### **Resolution No. PC18-\_\_\_; A Resolution of the Planning Commission of the City of Suisun City Recommending City Council Adoption of Amendments to Title 18 "Zoning" of the Suisun City Code.**

- **Adoption of Resolution No. PC18-\_\_\_.**

Senior Planner, John Kearns, opened with the background of the Suisun City Zoning Code. Title 18 of the Suisun City Code was comprehensively amended in March 2017. That amendment came as a result of the updates to both the General Plan and Waterfront District Specific Plan. Unfortunately, as a result of the amendment/adoption process, a couple of sections were inadvertently excluded, and a number of inaccurate sections references were not caught. One primary area that has led to the need for another amendment is how front yard improvements are treated. Staff discovered (when responding to a complaint) that the former front yard paving ordinance was not retained in the new zoning code leaving staff no ability to regulate. Subsequently, an urgency ordinance was adopted and second ordinance was adopted within 45 days to extend the urgency ordinance. This has allowed staff to prepare an ordinance to address the current absence. The other section that was inadvertently removed was the "Special Sign Overlay" section which was adopted by the passage of Ordinance No. 723.



Vice Chair Osborne then opened the floor to the public for comments.

Mr. Zeiss of 832 Driftwood Dr. stated that he wants the ordinance to be done right. He wants the first page to be re-worded. His reasoning is that the code tells you what to do, it is not written adequately. The excessive paving is an eye sore on the community and causes property values to go down. He went on to talk about his conversation with Commander White after he tried to file a complaint about the excessive paving in Suisun, he was told Code Enforcement couldn't do anything about it. He suggested a presentation with code enforcement in adding language to the code that can be enforceable.

Ms. Pat Matteson of 832 Driftwood Dr. stated that the city regulation is unfortunate and needs to be fixed before section 18.36.070 is finalized. She went on to say that current city codes are allowing people to betray and debase the Planning Commission's vision for Victorian Harbor. She also wanted staff to improve section 18.36.070 to prevent abusive storage of boats and cars in the yard and along the alleyways, she added that the city code should not encourage the paving over landscaped area because it does not allow rain to percolate into the soil and the increased runoff adds to flood risk.

Commissioner Holzwarth asked the speaker (Ms. Pat Matteson) if a certain amount of paving would be acceptable.

Senior Planner John Kearns responded with adding the 60/40 rule and adding in landscape guidelines.

Mr. Zeiss suggested adding language that not only addressed the way the front yard looks but keeping in mind property lines. He then restated his discouragement of the draft code stating that it is extremely vague and would like to see a code that is more specific, more restrictive and has more clarification. He wants section 18.36.070 to be taken out completely.

Commissioner Holzwarth stated that he wants the city to be clean and neat and he wants to be able to give enforcement the tools to enforce.

Commissioner Pal wanted clarification about a different part of the code addressing large family day cares. He wanted to know if 100ft was enough. He also wanted to know about the signs section.

Senior Planner John Kearns clarified by stating that our old code was not in compliance with state law so we had to make the minor change. And the signs code needs more clarification so it needs to be rewritten. Mr. Kearns then went on to address Mr. Zeiss' concerns and suggested a subcommittee be formed and to spread the word and invite people to participate.

Commissioner Pal moved to bring this item to be brought back at a later date with revision and start a subcommittee, and also invite code enforcement. Commissioner Borja seconded the motion. Motion passed by roll call vote 5-0.

## **6. CONTINUED GENERAL BUSINESS:**

### **A. 2017 Annual Report of the Suisun City General Plan.**

**Resolution PC18-\_\_\_; A Resolution of the City of Suisun City Planning Commission Recommending City Council Acceptance of the 2017 Annual Report of the Suisun City General Plan.**

- **Adoption of Resolution No. PC18-\_\_\_-.**

Before beginning General Business, Commissioner Pal had to excuse himself due to medical reasons. Senior Planner, John Kearns, then opened with the background of the 2017 Annual Report of the Suisun City General Plan.

An Annual Report is required for all General Plans by California Government Code Section 65400(b), which states, “the planning agency shall provide an annual report to the legislative body on the status of the plan and progress in its implementation, including the progress in meeting its share of regional housing needs...”

The General Plan represents Suisun City’s future vision of the City in the year 2035. The Plan identifies the general location for future land uses, including residential, commercial, and industrial areas, and desired population and building densities throughout the community. The Plan states future goals for Community Character and Design, Land Use, Transportation, Economic Development, Housing, Open Space and Conservation, Community Facilities and Services, and Public Health and Safety.

The report describes the City’s progress in implementing the policies and programs of the General Plan, as well as the City’s progress on providing its share of the Regional Housing Needs Allocation. The report is divided into topic areas based on the City’s General Plan Elements.

The Annual Report informs the Planning Commission, the City Council, and State agencies about the progress in implementing the Suisun City General Plan during the calendar year 2017. This report is the 3rd annual report since the City Council adopted the 2035 General Plan Update and 2015-2023 Housing Element, respectively in May 2015.

Projects implementing the General Plan during 2017 included:

- Community Character and Design Element
  - o Title 18 “Zoning” Update
  
- Land Use Element
  - o Title 18 “Zoning” Update.
  - o Continued processing of a proposed project in the Special Planning Area.
  - o Adoption of Development Impact Fee Update.
  - o Participation in the Travis Sustainability Study.
  
- Transportation
  - o Driftwood Drive (SR2S) Path Project completion.
  
- Economic Development
  - o Processing of Holiday Inn Express Project.
  - o Adoption of Title 18 “Zoning” Update.
  - o Moving Solano Forward (MSF) Project.
  - o Development Impact Fees Update.
  - o Processing of Parcel 14 Residential Project.
  - o Permitting of Sunset Center Pylon Sign.
  
- Housing Element
  - o Adoption of Title 18 “Zoning” Update.
  - o Processing of Parcel 14 residential project.
  - o Permitting of Grey Hawk project.
  - o Permitting of Zephyr Estates/Jubilee project.
  
- Open Space and Conservation
  - o Habitat Conservation Plan (HCP) DEIR issued for review.
  
- Community Facilities and Services
  - o Lawler Ranch Park Phase II.
  - o Train Depot Renovation.
  
- Public Health and Safety

- o Local Hazard Mitigation Plan adoption.
- o Flood control projects.

As required by State law, staff also prepared the Annual Report in the Housing Element for submission to HCD. The report summarized progress toward the goals and policies of the 2015-2023 Housing Element.

Vice Chair Osborne then opened the floor to the public for comments.

Mr. Zeiss of 832 Driftwood Dr. stated that Table B Housing Needs of Allocation by Income is zero, and that he wants to address this.

Senior Planner, John Kearns, responded by suggesting to bring Housing Needs back in a couple of months and make it a public conversation

Commissioner Borja moved to adopt Resolution PC18-\_\_\_; A Resolution of the City of Suisun City Planning Commission Recommending City Council Acceptance of the 2017 Annual Report of the Suisun City General Plan. Commissioner Borja seconded the motion. Motion passed by roll call vote 4-0 with Commissioner Pal absent.

## **7. COMMUNICATION:**

### **A. Staff**

None.

### **B. Commission**

None.

### **C. Agenda Forecast**

None.

## **8. ADJOURN.**

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## AGENDA TRANSMITTAL

**MEETING DATE:** April 30, 2018

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**PLANNING COMMISSION AGENDA ITEM:** PROPOSED CANNABIS ORDINANCE  
**PUBLIC HEARING:** Resolution PC18\_\_\_; A Resolution of the Planning Commission of the City of Suisun City, California, Recommending that the City Council Adopt an Ordinance Adding Chapter 18.49 “Personal Cultivation and Commercial Cannabis Regulation” to, and Repealing Chapters 5.42 “Marijuana Uses and Activities” and 18.59 “Prohibited Businesses” from, the Suisun City Code.

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**ENVIRONMENTAL REVIEW:** The proposed project (“Project”) is adoption of an ordinance that would establish regulations related to personal use cannabis cultivation and commercial cannabis uses. Changes to City regulations for personal use cannabis cultivation would be consistent with State law and would not grant any rights to cultivation beyond those rights established under state law. The proposed ordinance also establishes standards and regulations related to commercial cannabis operations. However, approval of the ordinance would not immediately allow commercial cannabis activities, as these activities would be subject to subsequent review and approval by the City Council of a Commercial Cannabis Business Permit. Under the proposed regulations, a single cannabis storefront retailer (“dispensary”) could be allowed in the Commercial Services and Fabrication (CSF) zone and such a dispensary would be consistent in character, traffic and potential environmental impacts to uses that are currently allowed in the CSF zone. All other commercial cannabis uses, including cultivation, manufacture, distribution and testing could only be conducted within approved Cannabis Business Zones, subject to issuance of a commercial cannabis business permit, and no such Cannabis Business Zones are proposed at this time. The ordinance includes procedures for the establishment of Cannabis Business Zones subject to discretionary review and approval by the City Council and such future action would be subject to review under CEQA. Thus, approval of the proposed ordinance would not result in any changes to the physical environment that would not be allowed by State law or without additional discretionary approvals from the City that establish a Cannabis Business Zone and/or grant permits for operation of commercial cannabis businesses.

Based on the above, adoption of the proposed ordinance does not have the potential to cause a significant effect on the environment. Therefore, pursuant to CEQA Guidelines Section 15061, the Project is exempt from CEQA. Additional details of the Project’s CEQA analysis are provided within Attachment 2, Notice of Exemption.

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**BACKGROUND:**

Project Overview:

The City of Suisun City has engaged in discussions related to the regulation of cannabis uses since early 2017. Discussions have explored both the potential benefits and concerns associated with commercial cannabis uses. Comments received have ranged from interest in exploring commercial uses as long as issues and concerns are addressed, to comments that some

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**PREPARED BY:**

Paul Junker, Special Planning Projects

**REVIEWED/APPROVED BY:**

John Kearns, Acting Development Services Director

commercial cannabis uses simply are not appropriate for Suisun City. Public forums in which cannabis regulations have been discussed include:

- March 21, 2017 – First City Council Briefing and Policy Discussion
- April 4, 2017 – Second City Council Policy Discussion
- April 11, 2017 – Planning Commission Briefing and Policy Discussion
- June 7, 2017 – Cannabis Policy Community Meeting
- December 12, 2017 - Planning Commission Hearing
- January 16, 2018 – City Council Hearing
- February 20, 2018 – City Council Hearing
- March 6, 2018 – City Council Hearing

The Planning Commission conducted a public hearing on December 12, 2017 to consider an earlier proposed cannabis ordinance. Following discussion, public comment and due consideration, the Planning Commission voted 4-2 (1 absent) in favor of a recommendation that the City Council adopt the proposed cannabis ordinance with certain recommended revisions. Within the previous ordinance, cannabis dispensaries were identified as a prohibited use.

Following the Planning Commission's hearing, the proposed cannabis ordinance was presented to the City Council for formal consideration on January 16, 2018. The City Council discussed many aspects of the proposed ordinance and provided staff direction in two primary areas: 1) revise the personal cultivation regulations to allow outdoor personal use cultivation and remove restrictions on personal use cultivation that the City Council believed were unenforceable; and 2) consider further whether a cannabis dispensary should be allowed within Suisun City.

At City Council meetings of February 20, 2018 and March 6, 2018, the focus of discussion was whether a cannabis dispensary should be allowed in Suisun City and, if so, where such a dispensary should be located. The City Council did not take formal action on the proposed ordinance, but did provide the following direction regarding dispensaries:

- One cannabis dispensary will be allowed in Suisun City.
- The dispensary will be authorized to sell both adult use and medical cannabis.
- The dispensary will be allowed to conduct on site (store front) sales and delivery sales.
- Approval of the dispensary will require a discretionary action by the City Council – this would be approval of a Commercial Cannabis Business Permit.
- The City will solicit applications for dispensaries and select the most qualified operator.

Provisions for allowing a cannabis dispensary consistent with City Council direction have been incorporated into the proposed ordinance and provisions related to personal use cultivation have been amended consistent with City Council direction. Additionally, staff has incorporated minor technical revisions related to administering development agreements. Aside from these changes, the proposed ordinance is very similar to the ordinance that the Planning Commission reviewed on December 12, 2017.

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**STAFF REPORT:** This section includes a general discussion of the Project’s adherence to all applicable local requirements, as well as detailed descriptions of the requested Project approvals and a review of key issues that have been addressed through the Project review.

### **Commercial Cannabis Regulations**

#### Cannabis Business Zone:

The proposed ordinance establishes procedures and guidelines for the review of commercial cannabis uses. As previously noted, the City Council has directed that up to one cannabis dispensary may be located within Suisun City and that such a dispensary could only be located in the Commercial Services and Fabrication zone. All other commercial cannabis uses, including cultivation, manufacturing, distribution and testing facilities could only be permitted to operate within a Cannabis Business Zone. The Cannabis Business Zone is an overlay zoning designation that does not affect underlying permitted uses.

Establishment of a Cannabis Business Zone would require a zoning amendment and therefore would be subject to Planning Commission review and City Council approval. The proposed ordinance establishes procedures, regulations and guidelines regarding the location and planning of future Cannabis Business Zones. Once a Cannabis Business Zone is established, then individual businesses could apply for City-issued Commercial Cannabis Business Permits. All commercial cannabis businesses would be required to secure a Commercial Cannabis Business Permit, and such permits would be subject to Planning Commission and City Council review.

#### Permitted and Prohibited Uses

Under the proposed ordinance, the following cannabis businesses would be prohibited within Suisun City:

1. Type 1= Cultivation; Specialty Outdoor; Small.
2. Type 1C = Cultivation; Specialty Cottage; Small.
3. Type 2 = Cultivation; Outdoor; Small.
4. Type 3= Cultivation; Outdoor; Medium.
5. Type 5 = Cultivation; Outdoor; Large.
6. Type 12 = Microbusiness.

As currently drafted, the following businesses would be allowed within Suisun City subject to establishment of a Cannabis Business Zone and approval of a Commercial Cannabis Business Permit:

1. Type 1A = Cultivation; Specialty Indoor; Small.
2. Type 1B = Cultivation; Specialty Mixed-Light; Small.
3. Type 2A = Cultivation; Indoor; Small.
4. Type 2B = Cultivation; Mixed-Light; Small.
5. Type 3A = Cultivation; Indoor; Medium.
6. Type 3B = Cultivation; Mixed-Light; Medium.
7. Type 4 = Cultivation; Nursery.
8. Type 5A = Cultivation; Indoor; Large.
9. Type 5B = Cultivation; Mixed-Light; Large.
10. Type 6 = Manufacturer 1.

11. Type 7 = Manufacturer 2.
12. Type N = Manufacturer (no extractions)
13. Type P = Manufacturer (packaging and labeling only)
14. Type 8 = Testing Laboratory.
15. Type 9 = Non-Storefront Retailer.
16. Type 10 = Retailer.
17. Type 11 = Distributor.

The proposed ordinance also establishes operating standards applicable to all cannabis businesses, such as measures to assure safety and minimize potential for crime. Additionally, for each of the various use types, the proposed ordinance establishes specific regulations applicable to the individual business type that are intended to minimize or eliminate the potential for adverse effects on the community.

Adoption of the ordinance enacting Chapter 18.49 (Personal Cultivation and Commercial Cannabis Regulation) would also repeal in their entirety Chapters 5.42 (Marijuana Uses and Activities) and 18.59 (Prohibited Businesses) of the Suisun City Code, as the subject matter of these chapters is covered and superseded by the proposed Chapter 18.49.

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**FUNDING AND REVENUE:** If the City moves forward with adoption of the proposed ordinance, subsequent actions will establish fees for recovery of costs associated with administering the ordinance (including costs of application review and processing) and the ability of the City to generate local revenue. The ordinance authorizes recovery of fees, including commercial cannabis permit fees and background check fees, to cover the City's costs, but the specific fee amounts must be set by resolution of the City Council. Generally, fees may only legally be used to recover costs, and not for purposes of generating revenue. Certain fees and other charges, including development impact fees and negotiated payments, may be collected pursuant to negotiated cannabis development agreement. However, a voter-approved excise tax is the best means of generating a stable, ongoing revenue stream for the City. These cost-recovery and revenue generating mechanism will be evaluated, and appropriate actions will be taken by the City, once the proposed ordinance is adopted.

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**PLANNING COMMISSION OPTIONS:** The Planning Commission has several options in considering the proposed ordinance. Actions that the Planning Commission may take within this review include:

- Recommend the City Council adopt the ordinance as currently drafted;
- Recommend the City Council approve the ordinance with specific modifications as determined appropriate by a majority of the Commission;
- Recommend the City Council not approve the ordinance with specific concerns identified;
- Continue the item for further discussion.

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**STAFF RECOMMENDATION:** Adopt Resolution PC18-\_\_\_; A Resolution of the Planning Commission of the City of Suisun City, California, recommending that the City Council Adopt an Ordinance Adding Chapter 18.49 "Personal Cultivation and Commercial Cannabis



Regulation” to, and Repealing Chapters 5.42 “Marijuana Uses and Activities” and 18.59 “Prohibited Businesses” from, the Suisun City Code.

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**ATTACHMENTS:**

1. Resolution PC18-\_\_\_; A Resolution of the Planning Commission of the City of Suisun City, California, recommending that the City Council Adopt an Ordinance Adding Chapter 18.49 “Personal Cultivation and Commercial Cannabis Regulation” to, and Repealing Chapters 5.42 “Marijuana Uses and Activities” and 18.59 “Prohibited Businesses” from, the Suisun City Code.  
Attachment A: Ordinance No. \_\_\_\_\_, Cannabis Regulatory Program
2. Notice of Exemption – Cannabis Regulatory Program Ordinance

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**RESOLUTION NO. PC 18-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUISUN CITY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING CHAPTER 18.49 “PERSONAL CULTIVATION AND COMMERCIAL CANNABIS REGULATION” TO, AND REPEALING CHAPTERS 5.42 “MARIJUANA USES AND ACTIVITIES” AND 18.59 “PROHIBITED BUSINESSES” FROM, THE SUISUN CITY CODE.**

**WHEREAS**, in 1996 California voters approved Proposition 215, the Compassionate Use Act (“CUA”), codified as Health and Safety Code §11362.5, to exempt certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for medical purposes; and

**WHEREAS**, in 2003 the California legislature enacted Senate Bill 420, the Medical Marijuana Program Act (“MMPA”), codified as Health & Safety Code §§ 11362.7, *et seq.*, and as later amended, to clarify the scope of the Compassionate Use Act of 1996 relating to the possession and cultivation of marijuana for medical purposes, and to authorize local governing bodies to adopt and enforce laws consistent with its provisions; and

**WHEREAS**, in 2015, the State of California adopted AB 266, AB 243, and SB 643, collectively referred to as the Medical Cannabis Regulation and Safety Act (“MCRSA”), which established a comprehensive regulatory and licensing scheme for commercial medical marijuana operations; and

**WHEREAS**, at the November 8, 2016 general election, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) was approved by California voters as Proposition 64, which established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) marijuana operations, and which also legalized limited personal recreational marijuana use, possession, and cultivation; and

**WHEREAS**, on June 27, 2017, Governor Brown signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which merged the regulatory regimes of the MCRSA and the AUMA; and

**WHEREAS**, MAUCRSA establishes 20 different licensing classifications for medicinal and adult-use cannabis businesses, which are found in Business & Professions Code § 26050, and including cannabis cultivator, manufacturer, testing, retailer, distributor, and microbusiness, and provides that three different state licensing authorities, the Bureau of Cannabis Control, the Department of Food and Agriculture, and Department of Public Health and Safety, shall administer the licensing provisions of MAUCRSA and issue state licenses, and shall have authority to promulgate regulations relating to the same; and

**WHEREAS**, the MAUCRSA, at Business & Professions Code § 26200(a)(1), provides that local jurisdictions may completely prohibit the establishment or operation of any or all of the 20 different medical and recreational business operations to be licensed by the state under Business & Professions Code § 26050; and

**WHEREAS**, the MAUCRSA, at Business & Professions Code § 26055(d), provides that a State commercial cannabis license may not be issued to an applicant whose operations would violate the provisions of a local cannabis ordinance or regulation adopted in accordance with Business & Professions Code § 26200; and

**WHEREAS**, on November 16, 2017, the Bureau of Cannabis Control, Department of Food and Agriculture, and Department of Public Health and Safety released proposed emergency regulations pursuant to the MAUCRSA, which specify the process and requirements for obtaining state licenses to engage in all types of commercial medicinal and adult-use cannabis activities in the State of California (“Regulations”); and

**WHEREAS**, the Regulations establish multiple new state license classifications, additional to those specified in Business & Professions Code § 26050, including “Non-Storefront Retailers,” for commercial cannabis retail operations which conduct sales of cannabis solely by delivery; and

**WHEREAS**, the Regulations were submitted to and approved by the State Office of Administrative Law in November-December, 2017; and

**WHEREAS**, the State licensing authorities began issuing temporary licenses pursuant to MAUCRSA and the regulations in December, 2017; and

**WHEREAS**, the City of Suisun City is a general law city and a political subdivision of the State of California; and

**WHEREAS**, Article XI, Section 7 of the California Constitution grants the City authority to make and enforce all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

**WHEREAS**, pursuant to the above-described express statutory authority and the City’s police power, the City has the authority to regulate all commercial marijuana activities (whether not-for-profit or for-profit) that may otherwise be permitted by the State of California under the MAUCRSA, by adding a new Chapter 18.49 (“Cannabis Regulatory Program”) to the Suisun City Code to regulate commercial medicinal and adult-use cannabis activities and the cultivation of cannabis for personal use; and

**WHEREAS**, the proposed ordinance, attached hereto as Exhibit “A” (the “Ordinance”), is intended, consistent with the CUA, MMPA, and MAUCRSA, to protect the public health, safety, and welfare of the public in relation to commercial medicinal and adult-use cannabis activities and to cultivation of cannabis for personal use; and

**WHEREAS**, the Ordinance is exempt from review under the California Environmental Quality Act (“CEQA”), pursuant to Section 26055(h) of the Business & Professions Code and Section 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, nothing in the Ordinance shall be construed to allow any person to engage in conduct that endangers others or causes a public nuisance; and

**WHEREAS**, Chapters 5.42 (“Marijuana Uses and Activities”) and 18.59 (“Prohibited Businesses”) of the Suisun City Code currently prohibit the establishment and operation of marijuana dispensaries and marijuana delivery and distribution services, and prohibits the cultivation of marijuana other than for personal medicinal use as permitted by the Compassionate Use Act of 1996 (“CUA”); and

**WHEREAS**, the subject matter of Suisun City Code Chapters 5.42 and 18.59 are superseded by the Ordinance, and the Ordinance would therefore repeal Suisun City Code Chapters 5.42 and 18.59 in their entirety in order to avoid conflicts and inconsistencies in the Suisun City Code.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SUISUN CITY, CALIFORNIA DOES HEREBY RESOLVE AND RECOMMEND AS FOLLOWS:**

- A. The Planning Commission finds and determines that the recitals above are true and correct.
- B. The Planning Commission recommends, based on the following findings, that the City Council find and determine that the Ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to:
  - 1. Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Finding. The proposed Ordinance would merely amend the Suisun City Code to allow for the submission and review of applications for commercial cannabis business permits, which would be subject to CEQA review prior to approval by the City Council. Therefore, it can be seen with certainty that the proposed Ordinance will not have a significant effect on the environment.

- 2. Section 26055(h) of the Business & Professions Code, which provides that CEQA does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable environmental review pursuant to CEQA.

Finding. The proposed Ordinance provides for discretionary review of permits to engage in commercial cannabis activity, and the discretionary review includes applicable environmental review pursuant to CEQA.

- C. The Planning Commission recommends, based on the following findings, that the City Council adopt the Ordinance, which is attached hereto as Exhibit “A,” adding a new Chapter 18.49 (Cannabis Regulatory Program) to, and repealing Chapters 5.42 “Marijuana Uses and Activities” and 18.59 (Prohibited Businesses) from, the Suisun City Code to regulate commercial cannabis operations and personal cannabis cultivation in the City of Suisun City.

Finding. The proposed Ordinance is consistent with the City’s General Plan and is in compliance with all applicable provisions of the City’s Zoning Plan and other ordinances and regulations of the City. The proposed ordinance provides that cannabis business which seek to operate in the City must secure a Commercial Cannabis Business Permit, which must be approved by the City Council only upon, among other things, a finding that the proposed cannabis business use is consistent with the goals, objectives and policies of the City’s General Plan and any specific plan.

Finding. The proposed Ordinance will protect and promote the public health, safety and welfare of the City. The proposed Ordinance contains extensive regulatory criteria specific to the each type of permitted commercial cannabis operation, which criteria must be satisfied by applicants in order to obtain a City-issued commercial cannabis business permit. Such criteria are in addition to compliance with extensive state regulations that such operations must satisfy in order to obtain a required State license pursuant to the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”). These regulations will enable the City to ensure that commercial cannabis operations are conducted in a manner that does not adversely affect public health, safety or welfare. Instead, such operations will bring high quality job opportunities to the City and will stimulate further economic development in the City. Additionally, certain cannabis businesses will operate pursuant to a development agreement with the City, which shall set forth the terms and conditions under which the business will operate and provide for payment of fees and other charges as mutually agreed upon.

Finding. The proposed Ordinance is consistent with State law. The proposed Ordinance imposes a permit requirement and associated regulations on commercial cannabis businesses in accordance with the local control possessed by all cities to regulate commercial cannabis land uses pursuant to the police power and MAUCRSA. The proposed Ordinance also requires that all cannabis businesses obtain a State license issued pursuant to MAUCRSA in order to obtain a City permit to ensure that such businesses are operating in accordance with State law. The proposed ordinance respects State laws providing that it shall not be unlawful to cultivate and possess a limited amount of cannabis for personal use, but imposes regulations on such personal cannabis cultivation in order to ensure that it is conducted safely and in a manner that does not create nuisance impacts on surrounding residents.

Finding. The Ordinance will not adversely affect property values or be detrimental to any area or neighborhood of the City. The Ordinance provides that no

commercial cannabis cultivation, manufacture, distribution or testing uses shall be allowed anywhere in the City other than in a Cannabis Business Zone. No Cannabis Business Zone shall be established or located within a residential area, and Cannabis Business Zones are generally intended to be established in undeveloped areas. The Cannabis Business Zone is an overlay zoning designation that does not affect underlying permitted uses. A Cannabis Business Zone shall be a contiguous area, generally at least 10 acres in size, that may be established and/or modified by the Planning Commission and City Council either by resolution or by action upon an application submitted by an owner of property located in a proposed Cannabis Business Zone. These provisions will enable the City to exercise discretionary oversight regarding the locations in which cannabis businesses are permitted to establish and locate, to provide for cannabis businesses to be grouped together in a small number of contiguous areas, and to ensure that such businesses are kept separate from neighborhoods and areas that may be adversely affected by the establishment of cannabis businesses.

Finding. The Ordinance establishes that only one cannabis storefront retailer (dispensary) may be operated within Suisun City and that such dispensary may only be operated within the Commercial Services and Fabrication (CSF) zoning district. The ordinance further establishes criteria for evaluation of applications for cannabis dispensaries that ensure the operation of such dispensary will not adversely impact adjacent uses.

The forgoing motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_ and carried by the following vote:

AYES:           Commissioners:       \_\_\_\_\_
NOES:           Commissioners:       \_\_\_\_\_
ABSENT:        Commissioners:       \_\_\_\_\_
ABSTAIN:       Commissioners:       \_\_\_\_\_

WITNESS my hand and the seal of said City this 30<sup>th</sup> day of April 2018

\_\_\_\_\_  
Anita Skinner  
Commission Secretary

EXHIBIT A: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, ADDING CHAPTER 18.49 "PERSONAL CULTIVATION AND COMMERCIAL CANNABIS REGULATION" TO, AND REPEALING CHAPTERS 5.42 "MARIJUANA USES AND ACTIVITIES" AND 18.59 "PROHIBITED BUSINESSES" FROM, THE SUISUN CITY CODE.

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**ORDINANCE NO. \_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, ADDING A NEW CHAPTER 18.49 (CANNABIS REGULATORY PROGRAM) TO, AND REPEALING CHAPTER 5.42 (MARIJUANA USES AND ACTIVITIES PROHIBITED) AND CHAPTER 18.59 (PROHIBITED BUSINESSES) OF, THE SUISUN CITY CODE TO REGULATE COMMERCIAL CANNABIS OPERATIONS AND PERSONAL CANNABIS CULTIVATION IN THE CITY OF SUISUN CITY, AND FINDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, in 1996 California voters approved Proposition 215, the Compassionate Use Act (“CUA”), codified as Health and Safety Code §11362.5, to exempt certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of cannabis for medical purposes; and

**WHEREAS**, in 2003 the California legislature enacted Senate Bill 420, the Medical Marijuana Program Act (“MMPA”), codified as Health & Safety Code §§ 11362.7, *et seq.*, and as later amended, to clarify the scope of the Compassionate Use Act of 1996 relating to the possession and cultivation of cannabis for medical purposes, and to authorize local governing bodies to adopt and enforce laws consistent with its provisions; and

**WHEREAS**, in 2015, the State of California adopted AB 266, AB 243, and SB 643, collectively referred to as the Medical Cannabis Regulation and Safety Act (“MCRSA”), which established a comprehensive regulatory and licensing scheme for commercial medical cannabis operations; and

**WHEREAS**, at the November 8, 2016 general election, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) was approved by California voters as Proposition 64, which established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, and which also legalized limited personal recreational cannabis use, possession, and cultivation; and

**WHEREAS**, on June 27, 2017, Governor Brown signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which merged the regulatory regimes of the MCRSA and the AUMA; and

**WHEREAS**, pursuant to the MAUCRSA, the State of California began issuing licenses late 2017 and early 2018 for both medical and adult-use cannabis businesses in over 20 different categories, which are found in Business & Professions Code § 26050 and the regulations promulgated pursuant thereto, and which categories include cannabis cultivator, manufacturer, testing, retailer, distributor, and microbusiness; and

**WHEREAS**, the MAUCRSA, at Business & Professions Code § 26200(a)(1), provides that local jurisdictions may completely prohibit the establishment or operation of any or all of the different medical and recreational business operations to be licensed by the state under Business & Professions Code § 26050; and

**WHEREAS**, the MAUCRSA, at Business & Professions Code § 26055(d), provides that a State commercial cannabis license may not be issued to an applicant whose operations would violate the provisions of any local ordinance or regulation; and

**WHEREAS**, the MAUCRSA, at Business & Professions Code Section 26200(a)(1), provides that local jurisdictions may adopt and enforce local ordinances to regulate any or all of the 20 different medical and recreational business operations to be licensed by the state under Business & Professions Code Section 26050, including, but not limited to, local zoning and land use requirements; and

**WHEREAS**, the MAUCRSA, at Business & Professions Code Section 26201, provides that any standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections established by the state for the different medical and recreational business operations to be licensed by the state under Business & Professions Code Section 26050, shall be the minimum standards, and a local jurisdiction may establish additional standards, requirements, and regulations; and

**WHEREAS**, the AUMA, Health & Safety Code § 11362.1(a)(3), makes it lawful for any person 21 years of age or older to “[p]ossess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the cannabis produced by the plants”; and

**WHEREAS**, the AUMA, Health & Safety Code § 11362.2(b), explicitly allows a city to “enact and enforce reasonable regulations to reasonably regulate” the cultivation of cannabis permitted under Health & Safety Code § 11362.1(a)(3), so long as the city does not completely prohibit the cultivation of up to six plants; and

**WHEREAS**, on November 16, 2017, the California Bureau of Cannabis Control (“BCC”), Department of Food and Agriculture (“CDFA”), and Department of Public Health (CDPH) released proposed emergency regulations pursuant to the MAUCRSA, which specify the process and requirements for obtaining state licenses to engage in all types of commercial medicinal and adult-use cannabis activities in the State of California (“Regulations”); and

**WHEREAS**, the Regulations establish multiple new state license classifications, additional to those specified in Business & Professions Code § 26050, including one for “Non-Storefront Retailers,” or commercial cannabis operations which conduct sales of cannabis solely by delivery; and

**WHEREAS**, the Regulations were submitted to the State Office of Administrative Law (“OAL”) for review on November 28, 2017, and were subject to a public comment period that ended on December 4, 2017; and

**WHEREAS**, the Regulations were approved by the OAL on December 7, 2017; and

**WHEREAS**, the BCC began accepting applications for temporary state licenses for commercial cannabis retailers, distributors, microbusinesses, testing laboratories, and cannabis events in December, 2017; and

**WHEREAS**, the CDPH began accepting applications for temporary state licenses for commercial cannabis manufacturers in December, 2017; and

**WHEREAS**, the CDFA began accepting applications for temporary state licenses for commercial cannabis cultivators, nurseries and processors in December, 2017; and

**WHEREAS**, the City of Suisun City (“City”) is a general law city and a political subdivision of the State of California; and

**WHEREAS**, Article XI, Section 7 of the California Constitution grants the City authority to make and enforce all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

**WHEREAS**, the City Council of Suisun City now desires to permit and regulate various types of commercial medicinal and adult-use cannabis activities, and to prohibit others, within the City of Suisun City; and

**WHEREAS**, pursuant to the above-described express statutory authority and the City’s police power, the City now desires to regulate all commercial cannabis activities (whether not-for-profit or for-profit) that may otherwise be permitted by the State of California under the AUMA and the MAUCRSA, by adding a new Chapter 18.49 (“Cannabis Regulatory Program”) to the Suisun City Code to regulate commercial medicinal and adult-use cannabis activities and the cultivation of cannabis for personal use; and

**WHEREAS**, this ordinance is enacted, consistent with the CUA, MCRSA, MAUCRSA, AUMA and all other applicable state laws, to protect the public health, safety, and welfare of the public in relation to commercial medicinal and adult-use cannabis activities and to cultivation of cannabis for personal use; and

**WHEREAS**, the City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”), pursuant to both Section 26055(h) of the Business & Professions Code and Section 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, nothing in this Ordinance shall be construed to allow any person to engage in conduct that endangers others or causes a public nuisance; and

**WHEREAS**, in November of 2017, the City adopted Ordinance No. 745, which added Chapter 5.42 (“Marijuana Uses and Activities Prohibited”) to the Suisun City Code to prohibit all commercial cannabis activities in the City, and which provided that it shall expire on July 1, 2018; and

**WHEREAS**, Chapter 18.59 (“Prohibited Businesses”) of the Suisun City Code prohibits the establishment and operation of businesses involving the cultivation, sale, delivery or distribution of cannabis other than personal cultivation and use of cannabis for medicinal purposes as permitted by the Compassionate Use Act of 1996 (“CUA”) and the AUMA; and

**WHEREAS**, the subject matter of Suisun City Code Chapters 5.42 and 18.59 is superseded by this Ordinance, and the City Council therefore sees fit to repeal Chapters 5.42 and 18.59 of the Suisun City Code in their entirety in order to avoid conflicts and inconsistencies in the Suisun City Code; and

**WHEREAS**, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on April 30, 2018 and, following discussion, consideration and public comment, the Planning Commission voted \_\_\_\_ in support of recommending the City Council: 1) find the adoption of the Ordinance is [Insert result of Planning Commission action]; and,

**WHEREAS**, all legal pre-requisites to adoption of this Ordinance have occurred; and

**WHEREAS**, nothing in this Ordinance shall be construed to allow any person to engage in conduct that endangers others or causes a public nuisance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. THE CITY COUNCIL OF THE CITY OF SUISUN CITY HEREBY MAKES THE FOLLOWING FINDINGS:**

- A. The recitals set forth above are all true and correct and are incorporated herein.
- B. The regulation of, and prohibitions on, commercial cannabis activities established by this ordinance are necessary to protect the public health, safety and welfare, and are enacted pursuant to the authority granted to the City of Suisun City by state law.
- C. The regulations of personal cultivation of cannabis established by this Ordinance are reasonable and necessary to protect the public health, safety and welfare, and are enacted pursuant to the authority granted to the City of Suisun City by state law.

**SECTION 2. A new chapter 18.49, “CANNABIS REGULATORY PROGRAM,” is hereby added to the SUISUN City Code to read in its entirety as follows:**

<b>Chapter 18.49</b>	<b>CANNABIS REGULATORY PROGRAM</b>
Section 18.49.010	Purpose and Intent.
Section 18.49.020	Definitions.
Section 18.49.030	Commercial Cannabis Operations Prohibited without Permit.
Section 18.49.040	Prohibited Types of Commercial Cannabis Operations.
Section 18.49.050	Permitted Types of Commercial Cannabis Operations.
Section 18.49.060	Cannabis Business Zone; Establishment and Criteria.
Section 18.49.070	Development Agreement.
Section 18.49.080	Commercial Cannabis Business Permit Required for All Permitted Uses.
Section 18.49.090	Application for Commercial Cannabis Business Permit.

Section 18.49.100	Director Review of Application for Commercial Cannabis Business Permit.
Section 18.49.110	Planning Commission Review of Application for Commercial Cannabis Business Permit.
Section 18.49.120	City Council Review of Application for Commercial Cannabis Business Permit.
Section 18.49.130	Continuing Obligations of Commercial Cannabis Operations.
Section 18.49.140	Renewal of Commercial Cannabis Business Permit.
Section 18.49.150	General Operating Standards and Restrictions.
Section 18.49.160	Commercial Cannabis Retailer (Storefront and Non-Storefront): Establishment, Operating Standards and Restrictions.
Section 18.49.170	Commercial Cannabis Distribution Operating Standards and Restrictions.
Section 18.49.180	Commercial Cannabis Manufacturing Operating Standards and Restrictions.
Section 18.49.190	Commercial Cannabis Testing Operating Standards and Restrictions.
Section 18.49.200	Commercial Cannabis Cultivation Operating Standards and Restrictions.
Section 18.49.210	Application Fees.
Section 18.49.220	Commercial Cannabis Business Permit Suspension and Revocation.
Section 18.49.230	Cultivation of Cannabis for Personal Use.
Section 18.49.240	Administration.
Section 18.49.250	Violations and Penalties.
Section 18.49.260	Prohibitions.
Section 18.49.270	Nonconforming Use.
Section 18.49.280	Delivery (Medical) Operating Standards and Restrictions.

**Section 18.49.010 Purpose and Intent.**

The purpose and intent of this chapter is to protect and promote the public health, safety and welfare of residents and visitors of the City by establishing a comprehensive set of regulations and prohibitions regarding various types of commercial medicinal and adult-use cannabis activities and the cultivation of cannabis for personal use in the City, in a manner that is consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act of 2003, the Medical Cannabis Regulation and Safety Act of 2015, the Adult-Use of Marijuana Act of 2016, the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and other applicable state laws governing cannabis activities .

**Section 18.49.020 Definitions.**

As used in this chapter, the following words and phrases shall have the following meanings:

- A. “Adult use” (or non-medical) refers to an activity involving cannabis or cannabis products that is restricted to adults 21 years of age and over and who do not possess physician’s recommendations, in contrast to activities involving medical/medicinal cannabis or medical/medicinal cannabis products.

- B. “Applicant” means a person applying for any City permit or approval pursuant to this chapter.
- C. “Application” means an application for a commercial cannabis business permit pursuant to this chapter.
- D. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- E. “Cannabis Business Zone” or “CBZ” refers to an overlay zoning designation that is intended to facilitate the use and development of property for commercial cannabis activities on non-residential-zoned land within the City, subject to section 18.49.060 and other applicable provisions of this chapter.
- F. “Cannabis concentrate” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this chapter. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health & Safety Code, or a drug, as defined by Section 109925 of the Health & Safety Code.
- G. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
- H. “CDTFA” means the California Department of Tax and Fee Administration, formerly known as the Board of Equalization.
- I. “Commercial cannabis activity” or “commercial cannabis operation” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale (including retail and wholesale) of cannabis and cannabis products, except cultivation and possession of cannabis for personal use as set forth in this chapter or as preempted by state law.
- J. “Commercial cannabis business permit” means a permit issued by the City pursuant to this Chapter which authorizes the permittee to operate a specific type of commercial

cannabis operation in the City subject to the requirements of this chapter, state law, and the specific terms and conditions of the permit.

- K. “CSF” means the City’s Commercial Services Fabrication Zone.
- L. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis.
- M. “Cultivation site” means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of these activities occurs.
- N. “Day care center” means, as the term is understood in Business & Professions Code Section 26001(o), as may be amended, any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers.
- O. “Delivery” means the commercial transfer of cannabis or cannabis products to a customer, and includes the use by a retailer of any technology platform.
- P. “Director” means the Development Services Director of the City of Suisun City, or his or her designee(s).
- Q. “Distribution” means the procurement, sale and transport of cannabis and cannabis products between persons possessing state licenses.
- R. “Employee” means any person, whether paid or unpaid, who provides regular labor or regular services for a commercial cannabis operation, including, but not limited to, at the location of a commercial cannabis operation. The term “employee” includes managers and owners as used in this chapter.
- S. “Extraction” means the process of obtaining cannabis concentrates from cannabis plants, including but not limited to through the use of solvents such as butane, alcohol or carbon dioxide.
- T. “Ground lease” means a real property lease whereby the lessee is authorized to undertake significant development or make significant improvements to the leased property.
- U. “Indoor,” in the context of cultivation, refers to cultivation using exclusively artificial lighting and no natural lighting.
- V. “License” or “State license” means a State of California commercial cannabis operation license, as provided for in Division 10 of the Business and Professions Code (and attendant state regulations), and as may be amended..

- W. “Live scan” means a system for inkless electronic fingerprinting and the automated background check developed by the California Department of Justice (DOJ) which involves digitizing fingerprints and electronically transmitting the fingerprint image data along with personal descriptor information to computers at the DOJ for completion of a criminal record check; or such other comparable inkless electronic fingerprinting and automated background check process as determined by the City Council.
- X. “Manager” means an employee responsible for management and/or supervision of a commercial cannabis operation or its employees.
- “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- Y. “Manufacturer” means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container; “Manufacturer” includes the activity of manufacturing.
- Z. “Medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product used in compliance with state law for medical purposes, pursuant to the Compassionate Use Act (Health and Safety Code § 11362.5), the Medical Marijuana Program Act (Health and Safety Code §§ 11362.7, et seq.), and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Business and Professions Code §§ 26000, et seq.).
- AA. “Minor” means a person under twenty-one (21) years of age.
- BB. “Mixed-light” refers to cultivation using a combination of natural and supplemental artificial lighting.
- CC. “Non-storefront retailer” means a retailer operating pursuant to a Type 9 State license and which engages in the retail sale of medicinal cannabis and medicinal cannabis products exclusively by delivery.
- DD. “Owner” means the owner of a commercial cannabis operation.
- EE. “Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and includes the plural as well as the singular.
- FF. “Physician’s recommendation” means a determination from a physician that a patient’s medical cannabis use is deemed appropriate and is recommended by the physician on the basis of the physician has determined that the patient’s health would



benefit from the use of cannabis in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which cannabis provides relief, in strict accordance with the Compassionate Use Act of 1996 (Proposition 215), and as understood by Section 11362.5 of the Health and Safety Code.

- GG. “Premises” means the designated structure or structures and the surrounding land that is owned, leased, or otherwise held under the control of an applicant or permittee where commercial cannabis activity will be or is conducted.
- HH. “Primary caregiver” has the same meaning as in Section 11362.7 of the Health and Safety Code, as may be amended.
- II. “Private residence” has the same meaning as in 11362.2(b)(5) of the Health and Safety Code, as may be amended, which provides that private residence “means a house, an apartment unit, a mobile home, or other similar dwelling.”
- JJ. “Qualified patient” has the same meaning as in Section 11362.7 of the Health and Safety Code, as may be amended.
- KK. “Retailer” means a cannabis business that engages in the retail sale of cannabis or cannabis products to customers, whether by delivery or from a storefront. “Retailer” includes “storefront retailer” and “non-storefront retailer.”
- LL. “RFA” means “request for applications.”
- MM. “School” means, as the term is understood in Business & Professions Code Section 26054(b), as may be amended, as a place of instruction in kindergarten or any grades 1 through 12.
- NN. “Simple lease” means a real property lease which does not authorize the lessee to undertake significant development of, or make significant improvements to, the leased property.
- OO. “State” means the State of California.
- PP. “Storefront retailer/dispensary” means a retailer operating pursuant to a Type 10 State License and engaging in the retail sale of cannabis and cannabis products to walk-in customers from a storefront, commonly referred to as a dispensary. Storefront retailers may also engage in the retail sale of medicinal cannabis and medicinal cannabis products by delivery.
- QQ. “Testing laboratory” or “testing” means a laboratory, facility, or entity in the State that offers or performs tests of cannabis or cannabis products; includes the activity of laboratory testing.

RR. “Youth center” means, as the term is understood in Business & Professions Code Section 26001(av), as may be amended, any public or private facility that is primarily used to host recreational or social activities for minors, including but not limited to private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

**Section 18.49.030 Commercial Cannabis Operations Prohibited without Permit.**

It shall be unlawful to own, establish, operate, use or permit the establishment or activity of a commercial cannabis operation, or to participate in commercial cannabis operations as an employee, contractor, agent, volunteer, or in any manner or capacity, unless such operation is: (1) pursuant to a current and valid City of Suisun City commercial cannabis business permit issued pursuant to this chapter; (2) pursuant to an equivalent state license for the type of commercial cannabis operation being conducted, pursuant to Division 10 of the Business & Professions Code, as amended, and applicable State regulations promulgated pursuant thereto; and (3) in compliance all the other applicable requirements of this chapter. The prohibition of this section shall include renting, leasing, or otherwise permitting a commercial cannabis operation to occupy or use a location, vehicle, or other mode of transportation.

**Section 18.49.040 Prohibited Types of Commercial Cannabis Operations.**

A. Commercial cannabis operations (including non-profit operations) within the City which involve the activities of outdoor cultivation, microbusiness and non-storefront retailer (adult-use) are prohibited in the City. This prohibition includes, but is not limited to, commercial cannabis activities licensed by the state license classifications listed below, as provided for in Business & Professions Code Section 26050 and applicable State regulations:

1. Type 1= Cultivation; Specialty Outdoor; Small.
2. Type 1C = Cultivation; Specialty Cottage; Small.
3. Type 2 = Cultivation; Outdoor; Small.
4. Type 3= Cultivation; Outdoor; Medium.
5. Type 5 = Cultivation; Outdoor; Large.
6. Type 9 = Non-Storefront Retailer (adult-use) (pursuant to 16 CCR § 5414, and as may be amended).
7. Type 12 = Microbusiness.

B. Except as otherwise expressly provided in this chapter, the prohibition provided by subsection (A) includes any similar activities authorized under new or revised state licenses, or any other state authorization, for any type, category, or classification of commercial cannabis activities which involve the above-referenced activities or similar operations (including non-profit, collective or cooperative operations.)

**Section 18.49.050 Permitted Types of Commercial Cannabis Operations.**

- A. Commercial cannabis operations (including non-profit operations) within the City, which comprise the activities of indoor cultivation, mixed-light cultivation, retailer, non-storefront retailer (i.e., sale by delivery of medicinal cannabis and/or medicinal cannabis products to a qualified patient), manufacturer, testing or distributor are allowed subject to issuance and maintenance of a valid and current City-issued commercial cannabis business permit, continuing compliance with this chapter and all other applicable City and State laws and regulations, and issuance and maintenance of a valid and current state license of a type listed below, as provided for in Business & Professions Code Section 26050 and applicable State regulations:
1. Type 1A = Cultivation; Specialty Indoor; Small.
  2. Type 1B = Cultivation; Specialty Mixed-Light; Small.
  3. Type 2A = Cultivation; Indoor; Small.
  4. Type 2B = Cultivation; Mixed-Light; Small.
  5. Type 3A = Cultivation; Indoor; Medium.
  6. Type 3B = Cultivation; Mixed-Light; Medium.
  7. Type 4 = Cultivation; Nursery.
  8. Type 5A = Cultivation; Indoor; Large.
  9. Type 5B = Cultivation; Mixed-Light; Large.
  10. Type 6 = Manufacturer 1 (extractions using mechanical methods or nonvolatile)
  11. Type 7 = Manufacturer 2 (extractions using volatile solvents)
  12. Type N = Manufacturer (no extractions, pursuant to 17 CCR § 40118, and as may be amended)
  13. Type P = Manufacturer (packaging and labeling only, pursuant to 17 CCR § 40118, and as may be amended)
  14. Type 8 = Testing Laboratory.
  15. Type 9 = Non-Storefront Retailer (medical) (by delivery only, pursuant to 16 CCR § 5414, and as may be amended).
  16. Type 10 = Retailer.
  17. Type 11 = Distributor.
  18. Type 13 = Distributor (transport only, pursuant to 16 CCR § 5315, and as may be amended).
  19. Cultivation License Types for Indoor or Mixed-Light pursuant to 3 CCR § 8201, and as may be amended).
- B. The requirements provided by above subsection (A) apply to any similar activities authorized under new or revised state licenses, or any other state authorization, to allow any type, category, or classification of commercial cannabis activities which involve the above-referenced activities or similar operations (including non-profit, collective or cooperative operations.)
- C. All permitted commercial uses, with the exception of Type 10 Retailer, must operate within a Cannabis Business Zone pursuant to Sections 18.49.060 and 18.49.070. Retail storefront/dispensary uses (Type 10 Retailer) are limited to one within the city limits and restricted to the CSF Zone pursuant to Section 18.49.160.

**Section 18.49.060 Cannabis Business Zone; Establishment and Criteria.**

- A. No commercial cannabis operation or activity, other than a storefront retailer pursuant to Section 18.49.160, shall be permitted to operate anywhere in the City other than in a Cannabis Business Zone.
- B. The Cannabis Business Zone is an overlay zoning designation that is intended to facilitate the use and development of property for commercial cannabis activities on non-residential-zoned land within the City.
- C. Establishment of a Cannabis Business Zone does not limit, reduce, or alter the uses allowed pursuant to the base zoning designation of any property or area to which it applies.
- D. Under no circumstances shall any property or area located within any residential zone of the City receive a Cannabis Business Zone designation.
- E. Under no circumstances shall any area located within 600 feet of a school, day care center or youth center receive a Cannabis Business Zone designation. If a property or area is located within 1,000 feet of an established Cannabis Business Zone, the property or area shall not be designated as a separate Cannabis Business Zone. Distances shall be measured as the shortest horizontal distance measured in a straight line from the property line of one site to the property line of another site.
- F. A Cannabis Business Zone shall be a contiguous area and shall be at least 10 acres in size, with the exception of the City Council may approve a Cannabis Business Zone of less than 10 acres in size upon a finding that the smaller area is in the best interests of the public health, safety and welfare of the residents of the City.
- G. Application Submittal and Review
  - 1. CBZ designations and modifications shall be initiated, and review and action related to CBZ designations shall be conducted, in accordance with the procedure set forth in Chapter 18.82 (Amendments) of the Suisun City Code.
  - 2. Notwithstanding the foregoing, for CBZ designations or modifications initiated by one or more property owners, the initiating document shall be in the form of a City-provided application, in lieu of a verified petition as provided for in section 18.82.020(A). The application for designation or modification of a CBZ shall be accompanied by a fee set by resolution of the City Council.
  - 3. For CBZ designations or expansions initiated by application, if there is more than one holder of a legal or equitable ownership interest in property located in the area subject to the proposed CBZ designation or expansion, each such property owner shall consent to the CBZ designation or expansion over his or her property. If such property owner does not so consent, his or her property shall not become subject to the CBZ. Consent shall be evidenced by a property owner's status as a joint

applicant for the CBZ designation or expansion, or via submission of a signed and notarized consent form from non-applicant property owner, submitted with the application, consenting to inclusion of his or her property within a CBZ.

4. In addition to all submittal requirements identified within Chapter 18.82 of the Suisun City Code, applicants shall provide information as requested to facilitate City review of the CBZ, as determined by the City. Such information may include, but not be limited to:
  - a. Conceptual layout of development within the CBZ.
  - b. Description of proposed uses, including but not limited to the percentage of use or development by the various permitted cannabis business types described in Section 18.49.050.
  - c. Anticipated number of jobs to be created.
  - d. General statement of design, including perimeter security, landscaping and typical architectural character.

#### H. Criteria for Review

1. It is the City's expectation that development and operation of businesses within Cannabis Business Zones will be designed and operated in a manner that generally benefits the residents of Suisun City. Such benefits may arise from direct creation of new jobs, creation of ancillary and related jobs, contributions toward the construction of key infrastructure projects, contributions of revenue to the City to support key community priorities, or other measures as proposed and determined appropriate by the applicant.
  2. In reviewing an application for a CBZ, the City Council shall find that proposed cannabis uses will not adversely impact the existing community. Potential adverse impacts include, but are not limited to, increases in criminal activity and the creation of nuisances, including but not limited to detrimental odors and emissions.
- I. Development Agreement. Due to the complexity of implementing development within a Cannabis Business Zone, in order to define the interests of the City, Cannabis Business Zone applicants, and Cannabis Business Permit applicants, and to further the overall public health, safety and welfare of the residents of the City, holders of legal or equitable interests in land located within the Cannabis Business Zone are subject to development agreement obligations as set forth in Section 18.49.070.

### **Section 18.49.070 Cannabis Business Zone Development Agreements**

#### A. Development Agreement Requirements

1. Each applicant for establishment of a Cannabis Business Zone pursuant to Section 18.49.060, concurrently with CBZ application review, shall apply for and negotiate, in good faith, terms of a development agreement to guide subsequent development and operation of cannabis-related uses within the CBZ. Prior to commencement of any commercial cannabis operations or issuance of any certificate of occupancy for such operations within the CBZ, the City and the CBZ applicant shall execute an appropriate development agreement pursuant to this section. All real property located within the CBZ in which the CBZ applicant holds a legal or equitable interest, greater than a simple lease, shall be subject to the development agreement.
2. The development agreement shall set forth the terms and conditions under which the subject commercial cannabis operation(s) will operate, which may, in addition to the requirements of this chapter, include, but not be limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety, and welfare of the residents of the City. The procedures for development agreements shall comply with this chapter, Suisun City Code Chapter 18.70, and Article 2.5 of Chapter 4 of Division 1 of Title 7 of the California Government Code.
3. If any real property located within a CBZ is at any time owned by persons other than the CBZ applicant, such owners shall be subject to the same obligations, set forth in subparagraph (A)(1), as the CBZ applicant, except as otherwise stated in this section. Notwithstanding the foregoing, if such owners do not propose to operate or authorize the operation of a commercial cannabis business exceeding 10,000 square feet or involving significant development or improvement of their CBZ-zoned property (as determined by the Director in his or her sole discretion), such owners shall not be obligated to apply for or enter into a development agreement unless and until such an operation is proposed.
4. Term Limits; Renewal. The maximum term for any development agreement entered into pursuant to this section shall be two years. A development agreement may remain in effect for an unlimited number of consecutive terms, provided that the development agreement is subject to renewal on an annual or biennial basis. All renewals shall be subject to approval the City Council.
5. Notwithstanding subparagraph (A)(4) or any renewal provision in a development agreement, all development agreements shall be subject to compliance with the periodic review requirements of Government Code Section 65865.1. However, the timing of any renewal may be made to coincide with a successful periodic review.

B. Development Agreement Filing Requirements.

1. Only qualified applicants may apply to enter into a development agreement pursuant to this section. A qualified applicant is any person who holds a legal or equitable interest, greater than a simple lease, in real property located within a

Cannabis Business Zone. Qualified applicants shall provide proof of their legal or equitable interests in the real property subject to the proposed agreement, and proof of the authority of the agent or representative to act for the applicant, if applicable. Said proof of ownership interest and proof of authority shall be subject to review and approval by the City Attorney.

2. The Director shall prescribe the form for each application, notice and other documents provided for or required under this section for the preparation and implementation of development agreements. The applicant shall complete and submit such an application form to the Director, along with a deposit for the estimated direct and indirect costs of processing the development agreement. The applicant shall deposit any additional amounts for all costs and fees to process the development agreement, including all legal fees, within fifteen (15) days of request by the Director. Upon either completion of the application process or withdrawal of the application, the City shall refund any remaining deposited amounts in excess of the costs of processing.
3. The Director shall require an applicant to submit such information and supporting data as the Director considers necessary to process the application, including but not limited to a community benefit assessment to evaluate the benefits the development agreement will provide to the community.

#### C. Processing and Requirements.

1. The Director shall endorse on the application the date it is received. An application or related document shall not be complete until an estimated deposit (as estimated by the City) for the cost of processing has been paid to the City. If within thirty (30) days of receiving the application the Director finds that all required information has not been submitted or the application is otherwise incomplete or inaccurate, the processing of the application and the running of any time limits shall be suspended upon written notice to the applicant and a new thirty (30) day period shall commence once the required material is received by the Director. If the Director finds that the application is complete for filing, it shall be accepted for filing and the applicant so notified. The Director shall review the application and determine the additional requirements necessary to complete final processing of the agreement. After receiving the required information and determining the application to be complete for processing, the Director shall prepare a staff report and recommendation to the Planning Commission and City Council stating whether or not the agreement as proposed or in an amended form would be consistent with policies of the City, this chapter, and any applicable general or specific plan.
2. Notice of a hearing regarding the development agreement shall be given by the Director and shall comply with the requirements of Section 65867 of the California Government Code, as may be amended, as well as in the manner set forth in Suisun City Code Section 18.70.110.

3. The Planning Commission shall review the proposed development agreement and provide a recommendation to the City Council to approve, approve with modifications or deny the proposed development agreement. If the Planning Commission fails to take action within sixty (60) days of opening the hearing on the matter, such failure shall be deemed to constitute a recommendation of denial to the City Council unless the applicant has requested an extension of time, either in writing or on the record, which has been approved by the Planning Commission prior to the running of the sixtieth day.
4. The proposed development agreement shall be set for hearing and consideration before the Council within sixty (60) days of the recommendation of the Planning Commission, unless the applicant agrees in writing to an extension of time with the Director prior to the matter being heard by the Council.
5. Within ten (10) calendar days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Section 65868 of the California Government Code, or if the City terminates or modifies the agreement as provided in Section 65865.1 of the California Government Code for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the County Recorder.

D. Required Findings for Approval Development Agreement.

After the City Council completes the public hearing, the Council may not approve the development agreement unless it finds that the provisions of the agreement:

1. Are consistent with the goals, objectives, and policies of the general plan and any applicable specific plan;
2. Are compatible with the uses authorized in and the regulations prescribed for the zoning district in which the real property is located;
3. Are beneficial to the residents of the City so as to promote the health, safety and welfare of City residents. Such benefits may arise from, without limitation, direct creation of new jobs, creation of ancillary and related jobs, contributions toward the construction of key infrastructure projects, contributions of revenue to the City to support key community priorities, or other measures as proposed by the applicant and determined appropriate by the City;
4. Are not detrimental to the public health, safety, or general welfare;
5. Comply with the California Environmental Quality Act;
6. Will not adversely affect the orderly development of property or the preservation of property values in the City; and



7. Provide for a reasonable penalty for any violation of the development agreement.

#### E. Transfer of Development Agreements

1. If a party to a development agreement pursuant to this section transfers title to any real property that is subject to the development agreement or any term or obligation thereof, then the transferor shall assign, and the transferee shall assume, the terms and obligations of the development agreement that are applicable to the transferred real property, unless the transferor, by the terms of the transfer, agrees to retain such obligations.
2. No assignment or assumption of any development agreement, or any term or obligation thereof, shall be valid without the prior written consent of the City Council, and then only upon presentation of evidence demonstrating that the transferee has the experience, expertise, financial strength, and resources to perform its obligations under the agreement, in addition to compliance with any transfer conditions or obligations set forth in the agreement.
3. No permit or entitlement authorizing the transferee to engage in commercial cannabis activity on the transferred real property shall issue until such assignment and assumption has been executed and consented to by the City in accordance with subparagraph (E)(2), unless the transferor has agreed to retain the obligations under the development agreement by the terms of the transfer, and the transferee has demonstrated the same to the City.
4. Exceptions to Transferee Obligations. Notwithstanding any other provision of this section:
  - a. If the transferee will not engage in or authorize commercial cannabis activity on the property, the transferee shall be exempt from all provisions of the development agreement that accrue specific benefits to the City and its residents such as requiring payment of funds to the City by commercial cannabis operations, to the extent such requirements are based on the nature of such operations as commercial cannabis operations. Subject to the foregoing, the assignment and assumption pursuant to subparagraphs (E)(1)-(3) shall be required, but upon expiration of the then-existing term of the development agreement, the transferee shall not be obligated to apply for or enter into a new or renewed development agreement pertaining to the transferred real property.
  - b. If the transferee will engage in or authorize commercial cannabis activity on the transferred property, but the area of the real property to which title is being transferred is less than 10,000 square feet, the assignment and assumption pursuant to subparagraph (E)(1) shall be required, but upon expiration of the then-existing term of the development agreement, the transferee shall not be obligated to apply for or enter into a new or renewed development agreement pertaining to the transferred real property.

- c. If the transferee will engage in or authorize commercial cannabis activity on the transferred property, but such activity will not involve significant new or ongoing development or improvement thereof, the assignment and assumption pursuant to subparagraph (E)(1) shall be required, but upon expiration of the then-existing term of the development agreement, the transferee shall not be obligated to enter into a new or renewed development agreement pertaining to the transferred real property.
5. Leases. In the event that real property subject to a development agreement pursuant to this section is leased:
  - a. If the lease is a simple lease, the lessee shall not be subject to the development agreement, and the obligations under the development agreement shall remain with the lessor.
  - b. If the lease is a ground lease, the lessor and lessee may negotiate between them as to which party shall bear the obligations under the development agreement during the life of the lease, except that the lessor shall not be relieved of any obligations under the development agreement without the prior written consent of the City pursuant to subsection (E).
6. Each assignment and assumption of a development agreement pursuant to this section shall provide for the transferee to be bound by and comply with all terms and conditions of the development agreement, for the remainder of the term thereof, or until the transferee no longer retains a legal or equitable interest in the subject property (except as stated in subparagraph (E)(4)).
7. The assignment and assumption shall be signed, with notary acknowledgment, by a person who is duly authorized to bind the transferor and the transferee. The assignment and assumption shall also be approved by the City Council and executed by a duly authorized representative of the City, acknowledging that the assignment and assumption complies with this section and consenting thereto. Upon full execution and approval of the assignment and assumption, the transferee shall be deemed a party to the development agreement pursuant to this section for all purposes. The fully executed assignment and assumption shall be recorded on the subject property within 10 days after its approval and execution.

F. Modifications and Extensions.

1. The provisions of Section 65868 of the California Government Code shall apply for all modifications, extensions or other amendments of the terms of a development agreement subject to this chapter.
2. Either party may propose an amendment or termination of an approved development agreement subject to the following:

- a. The procedure for amending or terminating the development agreement is the same as the procedure for entering into an agreement in the first instance.
  - b. The development agreement may be amended or cancelled only by the mutual consent of the parties, as provided in Section 65868 of the California Government Code.
3. Nothing herein shall limit the City's ability to terminate or modify the agreement consistent with Section 65865.1 or 65865.3 of the California Government Code as may be amended.

**Section 18.49.080 Commercial Cannabis Business Permit Required for All Permitted Uses.**

- A. Prior to commencing any commercial cannabis operation and as a continuing requisite to conducting operations, the owner of a commercial cannabis operation shall obtain a commercial cannabis business permit from the City under the terms and conditions set forth in this chapter in addition to an equivalent, valid and current State license issued pursuant to Division 10 of the Business & Professions Code, as amended.
- B. Commercial cannabis business permits issued pursuant to this chapter shall automatically expire one year after their date of issuance, unless otherwise expressly provided.
- C. The issuance of a commercial cannabis business permit shall constitute a revocable privilege and shall not create or establish any vested rights for the development or use of any property.
- D. Conditions necessary for the continuing validity of a commercial cannabis business permit include:
  1. Strict adherence to each and every applicable requirement of this chapter and Code, as well as any further applicable requirements, including administrative regulations, adopted by the City.
  2. Maintaining an equivalent, current and valid State license issued pursuant to Division 10 of the Business & Professions Code, as amended. Revocation, suspension or expiration of a required State license shall automatically invalidate the commercial cannabis business permit.
  3. Allowing City code enforcement and police officers to conduct reasonable inspections, at the discretion of the City, of the location of the commercial cannabis operation, including but not limited to inspection of security, inventory, and written and electronic records, recordings and files pertaining to the commercial cannabis operation, for the purposes of ensuring compliance with this Code and state law.

4. Maintaining valid and current contact information on file with the City for the owner(s) and manager(s) of the commercial cannabis operation, and that of the legal representative of the operation, if applicable.
- E. Commercial cannabis business permits are transferable only if the transferee satisfies all of the requirements for issuance of a new commercial cannabis business permit.

**Section 18.49.090 Application for Commercial Cannabis Business Permit.**

- A. The owner of a proposed commercial cannabis operation, prior to commencing operation, shall file an application for a commercial cannabis business permit with the Director upon a form provided by the City, and shall pay a filing fee as established by resolution adopted by the City Council, as may be amended.
- B. An application for a commercial cannabis business permit shall include, but not be limited to, the following information:
1. The full name, address, e-mail address, and phone number of the applicant.
  2. The street address, assessor's parcel number, and total square footage of the premises where the commercial cannabis operation will be located, and a description of the characteristics of the area surrounding the premises.
  3. If the applicant is not the property owner, the full name, address, e-mail address, and phone number of the owner and any sub-lessor of the premises of the proposed commercial cannabis operation.
  4. If the applicant is not the property owner, a notarized acknowledgment from the property owner consenting to the operation of the proposed commercial cannabis operation on the premises.
  5. The full names, addresses, e-mail addresses, and phone numbers of all persons who will be responsible for or who will participate in the management of the proposed commercial cannabis operation.
  6. A list of the full names of all individuals who are current or prospective employees of the proposed commercial cannabis operation, along with any other identifying information requested by the Director.
    - a. For each current or prospective employee identified, a color photocopy of either a valid California Driver's license or equivalent identification approved by the Director.
    - b. For each current or prospective employee identified, and for all owners of the proposed operation, a written and signed consent form provided by the City whereby the employee consents to fingerprinting and a state and federal criminal history background check. At the discretion of the City and in

compliance with State law, the City may use live scan to perform criminal background checks.

- c. For each current or prospective employee identified, a check for payment of the appropriate fees to the City to cover the costs of performing the required criminal history background check.
7. The name, e-mail address and phone number of an employee designated as Community Outreach Manager, who shall be responsible for outreach and communication with the surrounding community.
8. A description of the statutory entity or business form that will serve as the legal structure for the proposed applicant, the ownership structure of the applicant as filed with the California Secretary of State, (e.g. S-corporation, limited liability company, limited liability partnership, etc.), and a copy of all applicable formation and organizing documents for the entity. An applicant that is a foreign corporation shall provide a certificate of qualification issued by the California Secretary of State.
9. The proposed days and hours of operation of the commercial cannabis operation.
10. A scaled site plan, prepared by a licensed civil engineer or architect, of the premises, including at minimum all buildings, structures, driveways, parking lots, landscape areas, and boundaries.
11. A scaled floor plan, prepared by a licensed civil engineer or architect, for each level of each building on the premises, including the entrances, exits, walls and operating areas.
12. A security plan satisfactorily addressing all required security measures identified in Section 18.49.150(H).
13. A transportation plan describing the procedures for safely and securely transporting cannabis and cannabis products and currency to and from the premises.
14. A description of the odor control devices and techniques that will be used to prevent odors from cannabis or cannabis products from becoming detectable off of the premises, in compliance with Section 18.49.150(G).
15. Procedures for identifying, managing, and disposing of litter, waste, and contaminants and hazardous materials pursuant to Section 18.49.150(M-N).
16. A business plan, reflecting the capitalization of the proposed business and the degree of training, professionalism and experience of the owner, managers and employees of the proposed business.

17. An operations plan, detailing the operating procedures of the proposed commercial cannabis business, tailored to the specific type of business proposed. Such procedures shall address, without limitation, storage, handling and use of cannabis, cannabis products, and any other materials to be used or contained in the proposed operation, handling of cash, equipment and methods to be used, inventory procedures, lighting, signage and quality control procedures, as applicable.
18. Written authorization to the City to conduct reasonable unannounced inspections of the premises at the discretion of the City, including but not limited to inspection of security, inventory, and written records and files pertaining to the commercial cannabis operation, for the purposes of ensuring compliance with this Code and State laws.
19. Evidence of compliance with all operating standards and requirements applicable to the proposed commercial cannabis operation, including but not limited to as provided for by this chapter.
20. Evidence of compliance with all applicable insurance requirements under state and local law, including but not limited to those established by the Director pursuant to Section 18.49.130(A)(1) and 18.49.150(I). Endorsements reflecting the City's status as an additional insured on all required policies shall be provided by the applicant.
21. A copy of a valid and current seller's permit issued by the CDTFA to the applicant, or confirmation from the CDTFA that a seller's permit is not required. If the applicant has not yet received a seller's permit, an attestation that the applicant is currently applying for a seller's permit.
22. Identification of any and all other licenses and/or permits for commercial cannabis operations issued by any licensing or permitting authority:
  - a. held currently by the applicant;
  - b. pending approval for the applicant; or
  - c. denied to, suspended for, or revoked from the applicant.
23. Signed authorization for the Director to seek verification of the information contained in the application.
24. A written statement, signed under penalty of perjury by the applicant, certifying that all of the information contained in the application is true and correct.
25. Evidence of compliance with State laws and regulations applicable to the proposed commercial cannabis operation.

26. Any additional information as is deemed necessary by the Director to administer this chapter.

**Section 18.49.100 Director Review of Application for Commercial Cannabis Business Permit.**

- A. Upon receipt of a commercial cannabis business permit application, the Director shall review the application for completeness, including payment of the required fees.
- B. If the Director determines that the application is incomplete, the Director shall notify the applicant of such fact within thirty (30) days of receipt of the application. If the applicant, after receiving such notice, re-submits an incomplete application to the City, the application shall be deemed abandoned. The applicant may then submit a new application for review pursuant to the requirements of this chapter.
- C. Upon receipt of a completed application, the Director shall investigate the information contained in the application to determine whether the application is in compliance with the requirements of this chapter for potential issuance of a commercial cannabis business permit.
- D. Upon completing his or her investigation of a completed application, the Director shall deem the application a qualified application, unless the Director finds any of the following:
  - 1. The applicant has made one or more false or misleading statements or omissions, either on the written application form or during the application process;
  - 2. The applicant has not satisfied each and every requirement of this chapter and code;  
or
  - 3. The applicant is not in compliance with applicable State law.
- E. Upon deeming an application a qualified application, the Director shall set the application for review by the City's Planning Commission and shall make a recommendation to the Planning Commission as to whether it should recommend approval or denial of the application based on satisfaction of the criteria set forth in Section 18.49.110(B)-(C). The Director may also recommend the imposition of reasonable conditions on the approval and maintenance of the permit, in addition to the requirements of this chapter, to ensure the safe operation of the commercial cannabis operation, and to ensure the health, safety and welfare of the residents and visitors of the City.

**Section 18.49.110 Planning Commission Review of Application for Commercial Cannabis Business Permit.**

- A. The Planning Commission shall review a qualified application at a duly noticed public meeting of the Planning Commission within a reasonable time after the application is deemed qualified by the Director, and shall provide a written recommendation on the application to the City Council.
  
- B. The Planning Commission shall recommend approval of a qualified application to the City Council only upon making a positive finding that the proposed operation will promote the overall health, safety and welfare of the City's residents, based on consideration of the following factors:
  - 1. The proposed operating procedures are detailed, comprehensive, and consistent with best practices and industry standards.
  - 2. The proposed security plan is thorough and establishes high standards for public safety, and for protection of cannabis and cannabis products against theft and diversion to unlawful uses.
  - 3. The exterior appearance of the premises of the proposed operation is aesthetically pleasing and architecturally consistent with surrounding uses.
  - 4. The proposed operation is compatible with surrounding land uses.
  - 5. The proposed operation will provide economic benefits to the City.
  - 6. The proposed operation will provide employment opportunities for City residents.
  - 7. The proposed operation will positively impact the community, based on factors such as, without limitation, whether and to what extent the proposed operation will offer or engage in community service, education, outreach and engagement programs.
  - 8. The proposed operation will be sensitive to community concerns and is not likely to result in negative or nuisance impacts on the community.
  - 9. The proposed operation will maintain best practices with regards to sanitation, cleanliness, and handling, treatment and disposal of waste, contaminants and hazardous materials
  - 10. The proposed operation will make efficient and safe use of energy, water and other resources.
  - 11. The proposed operation is in compliance with the California Environmental Quality Act.



12. The proposed operation is adequately capitalized.
  13. The owner, managers and employees of the proposed operation possess a high degree of training, professionalism and experience.
  14. The proposed operation meets all applicable requirements of this chapter, this code and State law.
  15. The proposed operation will be within an established Cannabis Business Zone.
  16. The proposed operation satisfies any additional criteria that the Planning Commission determines is of benefit to making a determination of the applicant's commitment to the health, safety and welfare of the residents and visitors of the City.
- C. In evaluating a qualified application pursuant to above subsection (B), the Planning Commission shall consider the information contained in the application as well as any additional information submitted by the applicant at or prior to the hearing. If the Planning Commission finds that the applicant fails to satisfy three or more of the factors set forth in above subsection (B), the Planning Commission shall recommend denial of the application to the City Council.

**Section 18.49.120 City Council Review of Application for Commercial Cannabis Business Permit.**

- A. Within a reasonable time after the Planning Commission has made a recommendation to the City Council regarding a qualified application, the City Council shall make a final written determination on the qualified application at a properly noticed public meeting of the City Council. Factors to be considered by the City Council include the findings and recommendation of the Planning Commission as well as all pertinent evidence timely submitted to the City Council by the applicant, the public, and other interested parties.
- B. The City Council shall not be bound by the findings or recommendation of the Planning Commission, and shall be entitled, but not required, to conduct an independent review of the application. If, upon review, the City Council makes an affirmative finding that the proposed operation will promote the overall health, safety and welfare of the City's residents pursuant to section 18.49.110(B), and does not find that the applicant fails to satisfy three or more of the factors set forth in Section 18.49.110(B), the City Council shall grant the applicant a commercial cannabis business permit.
- C. The City Council may impose reasonable terms and conditions upon the use of the commercial cannabis business permit that it deems necessary to ensure compliance with this chapter and applicable State law, and/or to ensure the safe operation of the proposed operation and the health, safety and welfare of the residents and visitors of the City.

### **Section 18.49.130 Continuing Obligations of Commercial Cannabis Operations**

- A. Upon receiving a commercial cannabis business permit pursuant to this chapter, the permit holder shall:
1. Prior to commencing operations, execute an agreement to indemnify, defend and hold harmless (at the commercial cannabis business permit holder's sole expense, the ability to do so demonstrated through proof of sufficient insurance coverage to the satisfaction of the Director) the City, its elected officials, employees, agents, officers, and representatives, and each and all of them individually, from all liability or harm arising from or in connection with all claims, damages, attorney's fees, costs and allegations arising from or in any way related to the operation of the commercial cannabis operation; and, to reimburse the City for any costs and attorney's fees that the City may be required to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action.
  2. Maintain continuing compliance with all applicable insurance requirements imposed pursuant to local and state law at all times while operating pursuant to the commercial cannabis business permit.
  3. Maintain a valid seller's permit issued by the CDTFA, to the extent required by the CDTFA under state law.
  4. Maintain continuing compliance with the criminal history background check requirements of Section 18.49.150 at all times while operating pursuant to the commercial cannabis business permit by ensuring that, immediately upon hiring or association by the commercial cannabis operation of an employee who has not undergone the required background check, the permit holder provides the Director the authority to obtain:
    - a. The results of a live scan or other criminal history background check, as determined by the City, for the employee which was performed no earlier than ninety (90) days prior to the date of hiring or association of the employee (or as soon as is practicable as determined by the Director); and
    - b. A color photocopy of either a valid California Driver's License for the employee, or equivalent identification of the employee approved by the Director.
  5. Immediately update the Director in writing with correct and current contact information when there is a change in the information previously provided to the City relating to the individuals associated with the permit holder.
- B. Failure to perform the requirements of this section shall render the permit holder's commercial cannabis operation unlawful.

**Section 18.49.140 Renewal of Commercial Cannabis Business Permit.**

- A. The following procedure shall govern the process for renewal of a commercial cannabis business permit:
1. A permit holder may apply to the Director for renewal of an existing permit no less than 60 days, but no more than 90 days, prior to the permit's expiration date.
  2. Application for renewal shall be made through submittal of a commercial cannabis business permit renewal application form provided by the City.
  3. Applications for renewal shall contain all information and documentation required by Section 18.49.090 for applications for new commercial cannabis permits, except as may be waived by the Director based on a finding that certain required information is already possessed by the City, and upon receipt of a certification from the permit holder to the effect that the information remains up to date and has not changed since it was submitted to the City. A storefront retailer permitted pursuant to an RFA process shall be treated the same as all other commercial cannabis business permit holders for purposes of renewal.
  4. If a permit holder files a renewal application less than 60 days prior to permit expiration, the holder must provide a written explanation detailing the circumstances surrounding the late filing.
  5. The Director may, but is not required to, accept the late-filed application for renewal. If the Director accepts the application, then the Director may elect to administratively extend the permit beyond the expiration date pending the Director's review and decision upon the renewal application.
  6. An application for renewal shall not be accepted unless it is accompanied by payment of the required fee for the renewal application set pursuant to resolution of the City Council.
- B. If the Director, upon review of a completed application for renewal of a commercial cannabis business permit, determines that the commercial cannabis operation remains in compliance with all applicable requirements of this chapter, all terms of any applicable development agreements, and other applicable City and State laws and regulations, the Director shall approve the application and renew the permit. If the Director determines that the commercial cannabis operation has not remained in compliance, the Director shall deny the application. Decisions of the Director may be appealed to the City Council for review in accordance with the provisions of Section 18.49.220(E) of this chapter.
- C. A commercial cannabis business permit is immediately invalid upon its expiration date if it is not renewed by such date (with the exception of extensions pursuant to Section 18.49.140(A)(5)). In the event the permit is not renewed prior to expiration, the affected

commercial cannabis operation shall be required to cease operation, and any continued operation after expiration is unlawful.

**Section 18.49.150 General Operating Standards and Restrictions.**

The following operating standards and restrictions shall apply to all commercial cannabis operations and activities in the City, and shall be deemed conditions of issuance and use of all commercial cannabis business permits:

- A. Commercial cannabis operations shall comply with all applicable State laws and regulations as well as the requirements of this chapter and other applicable City laws and regulations.
- B. All commercial cannabis activities shall be conducted within a fully enclosed building or structure which shall be closed to the general public. Neither cannabis nor cannabis products shall be visible from the public right-of-way.
- C. No person under twenty-one (21) years of age shall be allowed access to any portion of the premises of any commercial cannabis operation at any time.
- D. Signs shall be posted conspicuously on the premises indicating that the site is not open to the public and that minors are prohibited from entering the site.
- E. Notwithstanding any other provision of this Code, all commercial cannabis operation premises shall be screened to a height of seven feet with fencing consisting of materials permitted by Suisun City Code Chapter 18.34, as may be amended.
- F. All premises must maintain the required lot setbacks pursuant to the City standards applicable to the underlying zoning district in which the premises are located.
- G. All premises must be equipped with an air treatment system sufficient to ensure that off-site odors shall not result from its activities. The premises shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location of the commercial cannabis operation is not detected outside the building, on adjacent properties or public rights-of-way, or within any other unit located within the same building as the commercial cannabis operation, if the use occupies a portion of a building.
- H. All commercial cannabis operations shall maintain the following security standards:
  - 1. If the premises are available for public access, such access must be through a single secured vestibule area designed to allow for identification confirmation prior to entry into the main lobby area.
  - 2. All areas of the premises where cannabis or cannabis products are cultivated, tested, manufactured, or stored shall be separated from any areas which are available to

public access, and shall be secured by lock accessible only to authorized personnel of the commercial cannabis operation.

3. All authorized personnel of commercial cannabis operations shall wear badges or other identification issued by the owner of the operation at all times while on the premises.
4. All premises shall be equipped with high definition security surveillance cameras, which shall be installed and maintained in good condition at all times. The security surveillance camera system shall be in continuous use 24 hours per day, seven days per week, and shall be capable of monitoring all doors, windows, parking lots, areas where cannabis or cannabis products are located, areas adjacent to the exterior walls of all buildings and structures on the premises, and other areas as deemed necessary by the Director. Recordings generated by the security surveillance camera system shall be maintained by the commercial cannabis operation for a minimum of 90 days. The recording system must be capable of exporting the recorded video in standard MPEG formats (or other formats approved or required by the Director) to a common medium such as a USB drive, DVD or other medium approved by the Director. Recordings shall be made available to the City immediately upon request. Additionally, remote log-in information shall be provided to the City's Police Department to allow City police officers and/or other City officers and employees to view live and recorded security camera images remotely at any time.
5. The premises shall have sufficient lighting such that all areas subject to monitoring by the security surveillance camera system shall be visible to all cameras of the system at all times.
6. Sensors shall be installed to detect entry and exit from all secured areas.
7. The premises shall be equipped with a centrally-monitored fire and burglar alarm system and monitored by an alarm company properly licensed by the State of California Department of Consumer Affairs Bureau of Security and Investigative Services in accordance with Business & Professions Code Sections 7590 *et seq.*, and whose agents are properly licensed and registered under applicable law, all subject to approval by the Director.
8. The premises shall have one or more secured transport areas from which all vehicular transportation of cannabis and cannabis products to and from the premises shall occur.
9. At least one security guard licensed by and in good standing with the Bureau of Security and Investigative Services shall be on the premises at all times. The number of security personnel required to be present on any premises at any time, or at all times, may be adjusted as deemed necessary by the Director in consultation with the City's Chief of Police.

10. If security bars for doors or windows are used, such security bars shall be placed on the interior side of such doors and windows, and must comply with applicable state building standards.
11. Commercial cannabis operations must designate an employee to act as a liaison to the City and its Police Department and must provide the City and its Police Department with the phone number and email address of the liaison. The liaison shall be reasonably available to meet with City or Police Department officials representatives as requested by the City or its Police Department.
12. Commercial cannabis operations must report any of the following occurrences to the Police Department within twenty-four (24) hours of discovery thereof:
  - a. Suspected theft of inventory or equipment, or significant unexplained discrepancies relating thereto;
  - b. Security breaches, including but not limited to burglaries;
  - c. Loss or unauthorized alteration of records subject to City inspection pursuant to this chapter; and
  - d. Any criminal activity or suspected criminal activity taking place on the premises.
13. Commercial cannabis operations shall have the capacity to remain secure during a power outage. Access doors with locks shall not be controlled solely by an electronic access panel.
- I. Commercial cannabis operations shall maintain insurance coverage in amounts satisfactory to the Director which evidence compliance with all applicable insurance requirements as provided for by this chapter, local law and state law. Minimum insurance levels shall be determined by the Director after an assessment of the risks posed by the commercial cannabis operation, including provision for meeting the requirements of Section 18.49.130(A)(1). The City shall be named as an additional insured on all required policies.
- J. Commercial cannabis operations shall maintain on-site the following records in paper or electronic form:
  1. The full name, address, and telephone number of the owner and any lessee of the property.
  2. The name, date of birth, and telephone number, and job title or position of each employee of the commercial cannabis operation.
  3. Copies of all required state licenses.

4. An inventory record documenting the dates and amounts of cannabis and cannabis products received at the site, the daily amounts of cannabis and cannabis products on the site, and the daily amounts of cannabis and cannabis products leaving the site for any reason, including but not limited to sale, delivery and distribution.
  5. A written accounting of all expenditures, costs, revenues and profits of the commercial cannabis operation, including but not limited to cash and in-kind transactions.
  6. A copy of all insurance policies held by or related to the commercial cannabis operation.
  7. A copy of the commercial cannabis operation's financial statement and tax return for the most recent previous year.
  8. A copy of the required valid and current State license and City-issued commercial cannabis business permit.
- K. All records required to be maintained by commercial cannabis operations pursuant to this chapter shall be maintained for three years and are subject to immediate inspection upon request by the City, subject to applicable state and federal law requirements relating to medical confidentiality or other applicable privacy restrictions.
- L. Employees; Background Checks; Identification.
1. All employees must submit to fingerprinting and criminal background checks by the City.
    - a. No individual convicted within the last ten years of a felony substantially related to the qualifications, functions or duties of an employee of a commercial cannabis operation (such as a felony conviction for distribution of controlled substances, money laundering, racketeering, etc.) shall be involved in the operation or ownership of a commercial cannabis business, unless such employee has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar federal statute or state law where the expungement was granted.
    - b. At the request of the commercial cannabis operation, the Director and Police Chief shall determine the applicability of a waiver of this section to a potential employee for good cause within a reasonable period of time after a written request has been made to the Director and Police Chief for such determination.
  2. All employees and owners must possess a valid government issued (or equivalent) form of identification containing an identifying photograph of the employee, the name of the employee, the date of birth of the employee, and the residential address

of the employee or owner. Color copies of such identification shall be maintained at the location of the commercial cannabis operation. A valid California Driver's license will satisfy this requirement.

- M. Commercial cannabis operations shall ensure at all times that all cannabis on site remains free of harmful contaminants, including but not limited to pesticides, mold and fungus. Commercial cannabis operations shall establish, implement, and at all times maintain written procedures to ensure compliance with this subsection.
- N. Commercial cannabis operations shall ensure that litter and waste, including chemical and organic waste, are properly and regularly removed from the premises, that waste disposal operating systems are maintained in an adequate manner so as not to constitute a source of contamination in areas where cannabis is exposed, and that hazardous materials and waste are properly stored, handled and disposed of in accordance with applicable law. Commercial cannabis operations shall establish, implement, and at all times maintain written procedures to ensure compliance with this subsection.
- O. Commercial cannabis operations shall not result in a nuisance or adversely affect the health, welfare, or safety of nearby persons by creating dust, glare, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or waste. The permittee shall promptly and diligently both prevent as well as eliminate conditions on the site of the commercial cannabis operation that constitute a nuisance.
- P. Notwithstanding any provision of this code to the contrary, commercial cannabis business permittees shall remove all graffiti from the site and parking lots under the control of the commercial cannabis business permittee within twenty-four (24) hours of its application.

**Section 18.49.160 Commercial Cannabis Retailer (Storefront and Non-Storefront): Establishment, Operating Standards and Restrictions.**

- A. Storefront retailers (State license Type 10) shall be subject to the general operating standards and restrictions set forth in section 18.49.150 (with the exception of the operation shall not be closed to the general public, notwithstanding Sections 18.49.150(B and E); and, signs need not be posted to that effect, notwithstanding Section 18.49.150(D)) and to the following minimum standards and restrictions, all of which shall be deemed conditions of any commercial cannabis business permit for a storefront retailer operation:
  - 1. Deliveries of cannabis or cannabis products conducted by storefront retailers shall be limited to medicinal cannabis and medicinal cannabis products only, to either qualified patients or primary caregivers.
  - 2. Only qualified patients who possess a physician's recommendation that complies with Article 25 of Chapter 5 of Division 2 of the Business and Professions Code



and their primary caregivers may purchase or receive deliveries from storefront retailers.

3. No delivery by a storefront retailer shall be made to any person other than the person who requested the delivery, except when the person requesting the delivery is a qualified patient and the person receiving the delivery is his or her primary caregiver, or vice versa.
4. No more than one commercial cannabis business permit for a storefront retailer shall be active or valid in the City at any one time. In the event no such permits are active and valid in the City at any given time, the Director, in his or her discretion, may initiate an RFA process to accept applications in accordance with Section 18.49.160(B). Applications for commercial cannabis business permits for storefront retailers shall not be accepted other than pursuant to the RFA process.
5. Storefront retailers may be permitted to operate only in the CSF (Commercial Service Fabricating) Zone.
6. Storefront retailers shall have an operable electronic point-of-sale system, which produces historical transactional data available for review by the Director upon request, on the premises of the storefront retailer at all times during operating hours. All retail sales of cannabis and cannabis products transacted by the storefront retailer shall be entered into or otherwise recorded by the electronic point-of-sale system.
7. A manager must be present on the premises of the storefront retailer at any time that any person, other than security personnel, is on the premises.
8. Smoking, ingesting or consuming cannabis or cannabis products at or within 20 feet of the premises of a storefront retailer is prohibited.
9. Storefront retailers shall not provide free cannabis or cannabis products, except in accordance with Title 16, Section 5411 of the California Code of Regulations, and as may be amended.
10. Storefront retailers shall not cultivate or sell cannabis plants, whether or not such plants are mature or flowering.
11. Storefront retailers shall not sell or dispense alcohol from their premises, and no alcohol shall be consumed on the premises.
12. Odor control devices and techniques will be used to prevent odors from cannabis or cannabis products from becoming both detectable off of the premises, in compliance with Section 18.49.150(G), as well as detectable beyond reasonable levels (as determined by the Director) inside the premises.

13. Proof of the required State license and City-issued commercial cannabis business permit, and a copy of all requests/orders for deliveries being made, shall be carried at all times in vehicles being used to make deliveries on behalf of a non-storefront retailer, and shall be immediately available upon request from law enforcement officers.
  14. Storefront retailers shall take reasonable steps to discourage and correct activities or conditions that illegal or that constitute a nuisance in parking areas, sidewalks, alleys and other areas surrounding or adjacent to the premises of the storefront retailer during operating hours, if such conduct is related to the storefront retailer operation or any of its owners, managers, employees, agents, representatives, contractors, or customers. Reasonable steps shall include immediately calling the police upon observation of any such activity, and requesting that any person engaging in such activity immediately cease the activity, unless personal safety would be at risk in making the request.
12. Storefront Retailers/Dispensaries: Request for Applications (RFA) Process for Storefront Retailers.
- a. Applications for storefront retailers (State license Type 10) may only be accepted pursuant to a Request for Applications (RFA) process conducted pursuant to this subsection. Notwithstanding Sections 18.49.100, 18.49.110, and 18.49.120, applications for storefront retailers shall be reviewed and approved in accordance with this subsection.
  - b. Whenever there is no existing commercial cannabis permit for a storefront retailer in the City (including after a previously-issued permit has been permanently revoked or voluntarily forfeited, or expired without being renewed), the Director, in his or her discretion, may initiate and conduct an RFA process. The Director may promulgate regulations to guide the RFA process, subject to compliance with this subsection.
  - c. Upon initiating an RFA process, the Director shall prepare an RFA for the purpose of soliciting applications for establishment of a storefront retailer/dispensary in the City. Responses to the RFA, including regulations and other requirements that the Director may promulgate to guide the RFA process, shall be deemed applications for City-issued commercial cannabis permits for storefront retailers, pursuant to Sections 18.49.080 and 18.49.090. In the event generally applicable procedures and requirements of this chapter conflict with Sections 18.49.080 and/or 18.49.090, this subsection (B) and section 18.49.160(A) shall govern.
  - d. The City Manager shall develop, for Council approval, a process for reviewing and selecting a recommended operator of a Storefront Retailer from applications received through the RFA process. The recommended operator for a commercial cannabis permit to operate a Storefront Retailer/Dispensary shall be approved by the City Council.

- e. Notwithstanding any provision of this subsection (B), the City Council shall not be obligated at any time to approve any application for issuance of a commercial cannabis business permit.
  - f. Renewal of commercial cannabis business permits issued pursuant to this subsection (B) shall be conducted in accordance with Section 18.49.140.
13. Non-storefront retailers shall be subject to the general operating standards and restrictions set forth in section 18.49.150 and to the following minimum standards and restrictions, all of which shall be deemed conditions of any commercial cannabis business permit for a non-storefront retailer operation:
- a. Non-storefront retailers may sell cannabis and cannabis products by delivery only.
  - b. Sales of cannabis or cannabis products conducted by non-storefront retailers shall be limited to medicinal cannabis and medicinal cannabis products only, to either qualified patients or primary caregivers.
  - c. Only qualified patients who possess a physician's recommendation that complies with Article 25 of Chapter 5 of Division 2 of the Business and Professions Code and their primary caregivers may purchase or receive deliveries of commercial cannabis from non-storefront retailers.
  - d. No cannabis or cannabis products shall be sold directly from the premises of a non-storefront retailer.
  - e. The premises of non-storefront retailers shall be closed to the general public at all times, and shall be accessible only to employees and persons with a bona fide business or regulatory purpose for accessing the premises.
  - f. A manager must be present on the premises of the non-storefront retailer at any time that any person other than security personnel is on the premises.
  - g. No employee or other person acting on behalf of a non-storefront retailer may possess during deliveries, or deliver, more than \$3,000 worth of cannabis or cannabis products at any given time.
  - h. No delivery of cannabis or cannabis products shall be made to any person other than the person who requested the delivery, except when the person requesting the delivery is a qualified patient and the person receiving the delivery is his or her primary caregiver, or vice versa.
  - i. Any person who is present on the premises of the non-storefront retailer who is not an employee, officer, agent, or representative of the non-storefront retailer must sign in and wear a "visitor" identification badge at all times while on the premises.

- j. Proof of the required State license and City-issued commercial cannabis business permit, and a copy of all requests/orders for deliveries being made, shall be carried at all times in vehicles being used to make deliveries on behalf of a non-storefront retailer, and shall be immediately available upon request from law enforcement officers.

**Section 18.49.170 Commercial Cannabis Distribution Operating Standards and Restrictions.**

Commercial cannabis operations involving the distribution of cannabis and cannabis products in the City shall be subject to the general operating standards and restrictions set forth in section 18.49.150 and to the following minimum standards and restrictions, all of which shall be deemed conditions of any commercial cannabis business permit for a distribution operation:

- A. Distribution may be conducted only by commercial cannabis operations possessing a valid and current Type 11 (Distributor) State license issued pursuant to Division 10 of the Business & Professions Code, or a Type 13 (Distributor – Transport Only) State license pursuant to 16 CCR § 5315, as well as a City-issued commercial cannabis business permit.
- B. Distribution operations shall distribute cannabis and cannabis products only between licensed commercial cannabis operations.
- C. Distribution operations shall not conduct retail sales of cannabis or cannabis products.
- D. Distribution operations shall not distribute any cannabis or cannabis products to retail operations unless such cannabis or cannabis products has been properly tested and approved for retail sale pursuant to State law.
- E. Upon demand by any City law enforcement officer, a distributor shall make immediately available copies of any required shipping manifests as understood by Section 26070(f) of the Business and Professions Code.

**Section 18.49.180 Commercial Cannabis Manufacturing Operating Standards and Restrictions.**

Commercial cannabis operations involving the manufacturing of cannabis and cannabis products in the City shall be subject to the general operating standards and restrictions set forth in section 18.49.150 and to the following minimum standards and restrictions, all of which shall be deemed conditions of any commercial cannabis business permit for a manufacturing operation:

- A. Manufacturing may be conducted only by commercial cannabis operations possessing a valid and current manufacturing State license issued pursuant to Division 10 of the

Business & Professions Code (or pursuant to State regulations) as well as a City-issued commercial cannabis business permit.

- B. Manufacturer 1 (Type 6) permittees (as defined by Division 10 of the Business and Professions Code) shall utilize only manufacturing processes that are either solventless or that employ only nonflammable, nontoxic solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 *et seq.*).
- C. Manufacturer 2 (Type 7) permittees shall utilize only manufacturing processes that use solvents exclusively within a closed-loop system that meets all of the following requirements:
  - 1. The system uses only solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 *et seq.*).
  - 2. The system is designed to recapture and contain solvents during the manufacturing process, and otherwise prevent the off-gassing of solvents into the ambient atmosphere to mitigate the risks of ignition and explosion during the manufacturing process.
  - 3. A licensed engineer certifies that the system is commercially manufactured, safe for its intended use, and built to codes of recognized and generally accepted good engineering practices, including, but not limited to, the American Society of Mechanical Engineers (ASME), the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or OSHA Nationally Recognized Testing Laboratories (NRTLs).
  - 4. The system has a certification document that contains the signature and stamp of a professional engineer and the serial number of the extraction unit being certified.
- D. Fire Safety Plan.
  - 1. Manufacturing operations shall not commence until written approval is received from the Director for a completed Fire Safety Plan for the operation.
  - 2. An application for a renewal of a Commercial Cannabis Operation Permit for manufacturing shall not be approved until an inspection of the site occurs by the Director which affirms that both the operation remains in compliance with the approved Fire Safety Plan (or an amended Fire Safety Plan as determined by the Director) and that any further actions that need to be taken in the determination of the Director are taken to ensure that all applicable and necessary health and safety requirements are met.
- E. The premises shall be equipped with an automatic fire sprinkler system, in accordance with NPFA 13, the California Fire Code (including but not limited to Section 903), as adopted by the City, and the Suisun City Code.

F. Certified Industrial Hygienist (CIH).

1. The permittee must provide for, maintain, and follow a detailed plan prepared by a CIH, and approved by the Director, to ensure the appropriate health and safety procedures including, but not limited to, procedures necessary to control hazards, for use of proper protective equipment, product safety, compliance with Cal OSHA limits, to provide specifications for ventilation controls, and ensure environmental protections, are adopted and used by the operation on a continuing basis.
2. The Director may establish further written requirements for the plan, including but not limited to required inspections by the CIH and a hazardous materials management plan. Upon reasonable determination by the Director, the permittee shall be required to update or amend the approved plan to the satisfaction of the Director.

G. All processing and analytical testing devices used by the operation must be UL listed, or otherwise approved for the intended use by the Director. Any processing devices using only non-pressurized water are exempt from such approval.

H. All chemical waste and hazardous material used, generated or associated with the operation must be disposed of in a manner which is approved by the Director before disposal occurs, and which is compliant with all local, state and federal guidelines for the disposal of hazardous materials.

I. The permittee must provide for and maintain a waste treatment system which is approved by the Director so as to prevent contamination in areas where cannabis or cannabis products may be exposed to waste or waste by-products.

**Section 18.49.190 Commercial Cannabis Testing Operating Standards and Restrictions.**

Commercial cannabis operations involving the testing of cannabis and cannabis products in the City shall be subject to the general operating standards and restrictions set forth in section 18.49.150 and to the following minimum standards and restrictions, all of which shall be deemed conditions of any commercial cannabis business permit for a testing operation:

A. Testing may be conducted only by commercial cannabis operations possessing a valid and current Type 8 (Testing Laboratory) State license issued pursuant to Division 10 of the Business & Professions Code as well as a City-issued commercial cannabis business permit.

B. Testing operations shall be and remain at all times independent from all other persons and entities involved in commercial cannabis operations other than testing operations.

C. Fire Safety Plan.

1. Testing operations shall not commence until written approval is received from the Director for a completed Fire Safety Plan for the operation.
  2. An application for a renewal of a Commercial Cannabis Operation Permit for testing shall not be approved until an inspection of the site occurs by the Director which affirms that both the operation remains in compliance with the approved Fire Safety Plan (or an amended Fire Safety Plan as determined by the Director) and that any further actions that need to be taken in the determination of the Director are taken to ensure that all applicable and necessary health and safety requirements are met.
- D. The premises shall be equipped with an automatic fire sprinkler system, in accordance with NPFA 13, the California Fire Code (including but not limited to Section 903), as adopted by the City, and the Suisun City Code.
- E. Certified Industrial Hygienist (CIH).
1. The permittee must provide for, maintain, and follow a detailed plan prepared by a CIH, and approved by the Director, to ensure the appropriate health and safety procedures including, but not limited to, procedures necessary to control hazards, for use of proper protective equipment, product safety, compliance with Cal OSHA limits, to provide specifications for ventilation controls, and ensure environmental protections, are adopted and used by the operation on a continuing basis.
  2. The Director may establish further written requirements for the plan, including but not limited to required inspections by the CIH and a hazardous materials management plan. Upon reasonable determination by the Director, the permittee shall be required to update or amend the approved plan to the satisfaction of the Director.
- F. All processing and analytical testing devices used by the operation must be UL listed, or otherwise approved for the intended use by the Director. Any processing devices using only non-pressurized water are exempt from such approval.
- G. Operation Requirements. The testing operation shall be comply with the following requirements:
1. Conduct all testing in a manner pursuant to Section 26100 of the Business and Professions Code, and as amended, subject to State and local laws and regulations.
  2. Conduct all testing in a manner consistent with general requirements for the competence of testing and calibration activities, including sampling using verified methods.

3. Obtain and maintain ISO/IEC 17025 accreditation as required by the State.
4. Destroy the remains of the sample of cannabis or cannabis products upon the completion of analysis as determined by the State through regulations.
5. Dispose of any waste byproduct resulting from testing operations in the manner required by State and local laws and regulations.

**Section 18.49.200 Commercial Cannabis Cultivation Operating Standards and Restrictions**

Commercial cannabis operations involving the cultivation of cannabis in the City shall be subject to the general operating standards and restrictions set forth in section 18.49.150 and to the following minimum standards and restrictions, all of which shall be deemed conditions of any commercial cannabis business permit for a cultivation operation:

- A. Cultivation may be conducted only by commercial cannabis operations possessing a valid and current state license authorizing indoor or mixed-light (but not outdoor) cultivation issued pursuant to Division 10 of the Business & Professions Code (or State regulations), as well as a City-issued commercial cannabis business permit.
- B. Applications for a City-issued commercial cannabis business permit for cultivation operations require a detailed description of the proposed operation's energy and water usage plan, providing for best practices and leading industry practices in efficient utilization of energy and water.
- C. Water.
  1. The water supply shall be sufficient for the operations intended, shall comply with all State regulations, and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable, and adequate supply of water to meet the facility's needs.
  2. Plumbing shall be of adequate size and design and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the plant and that shall properly convey sewage and liquid disposable waste from the facility. There shall be no cross-connections between the potable and waste water lines.
- D. Cannabis cultivation shall take place inside fully enclosed structures, and cannabis cultivation areas shall be secured at all times and shall be separated from all other portions of the premises.
- E. Each building with a cultivation area shall have adequate storage space for cannabis that has completed the cultivation process or is otherwise not being cultivated. The



storage areas shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to employees of the permittee.

- F. Electricity used for cannabis cultivation shall not exceed the rated wattage and capacity of the circuit breaker.
- G. Sufficient lighting must be used in all areas where cannabis is cultivated and stored, and where equipment or utensils are cleaned, so that at all times the items and activities in these areas are fully visible to both any security cameras covering the areas as well as the naked eye. All lighting shall be shielded so as to completely confine light and glare to the interior of the cannabis cultivation area.
- H. Floors, walls, and ceilings in cultivation areas shall be constructed in such a manner that they may be adequately cleaned and kept clean and kept in good repair.
- I. All chemical waste and hazardous material used, generated or associated with the operation must be disposed of in a manner which is approved by the Director before disposal occurs, and which is compliant with all local, state and federal guidelines for the disposal of hazardous materials.
- J. The permittee must provide for and maintain a waste treatment system which is approved by the Director so as to prevent contamination in areas where cannabis or cannabis products may be exposed to waste or waste by-products.

**Section 18.49.210 Application Fees.**

An application fee set by resolution of the City Council shall be required for formal processing of every application made under this chapter. The City Council is authorized to adopt resolutions to recover any and all fees and costs incurred in the administration and enforcement of this chapter through an appropriate fee recovery mechanism to be imposed upon commercial cannabis operations.

**Section 18.49.220 Commercial Cannabis Business Permit Suspension and Revocation.**

- A. The Director is authorized to suspend and/or revoke any commercial cannabis business permit issued pursuant to this chapter upon the determination through written findings of a failure to comply with any provision of this chapter, any permit condition, or any agreement or covenant as required pursuant to this chapter.
- B. Prior to suspension or revocation of a commercial cannabis business permit, the permittee shall be provided with a written notice which details the violation(s). The permittee shall have seven (7) days to cure the violation to the satisfaction of the Director. The seven (7) day cure period may be extended by the Director or the City Council for reasonable cause.

- C. The Director may suspend or revoke a commercial cannabis business permit if he or she determines that any of the following have occurred:
1. The Director determines that the permit holder has failed to comply with any provision of this chapter, any permit condition, or any agreement or covenant as required pursuant to this chapter;
  2. The permit holder's equivalent State license has been suspended or revoked by the State of California;
  3. The permit holder has ceased operations for more than 180 calendar days (including during any change of ownership, if applicable);
  4. Ownership is changed without securing a new commercial cannabis business permit.
  5. The permit holder has failed to maintain required security camera recordings; or
  6. The permit holder has failed to allow inspection of the security recordings, the activity logs, the records, or the premises of the site by authorized City officials pursuant to this chapter.
  7. The permit holder has failed to comply with the terms of an applicable Development Agreement.
- D. Conditions (if any) of suspension or revocation are at the discretion of the Director and may include, but are not limited to, a prohibition on all owners, operators, managers and employees of the suspended or revoked Commercial Cannabis Operation from operating within the City for a period of time set forth in writing and/or a requirement (when operations may resume, if at all, pursuant to the Director's determination) for the holder of the suspended or revoked permit to resubmit an application for a commercial cannabis business permit pursuant to the requirements of this chapter.
- E. Decisions of the Director made pursuant to this section may be appealed to the City Council by filing a notice of appeal with the City Clerk within ten (10) days of receiving notice of the permit suspension or revocation. The notice of appeal shall specify the grounds for the appeal. The Council shall fix a time and place for hearing the appeal, and the City Clerk shall give written notice to the appellant of the time and place of the hearing via certified mail, return receipt requested, addressed to the address specified in the appellant's permit. The appeal shall be heard by the City Council within forty-five days following the date the appeal is filed with the City Clerk. The findings and decision of the Council shall be final and conclusive, and shall be served upon the applicant, in the manner prescribed in this subsection for service of notice of hearing, within thirty days of the hearing date. The provisions of Sections 1094.5 and 1094.6 of the Code of Civil Procedure set forth the procedure for judicial review of any final determination.

**Section 18.49.230 Cultivation of Cannabis for Personal Use.**

The following regulations shall apply to the cultivation of cannabis for personal use within the City:

- A. Total cultivation is limited to no more than six (6) living cannabis plants per private residence at any one time.
- B. Only persons who are twenty-one (21) years of age or older may participate in any part of the cultivation process.
- C. Cultivation shall not take place at any place other than private residences.
- D. Persons who cultivate cannabis for personal use shall reside full-time on the premises where the cannabis cultivation occurs.
- E. None of the cannabis plants, nor any cannabis produced by the plants in excess of 28.5 grams, shall be visible by normal unaided vision from any place regularly accessible to the general public.
- F. All cannabis produced by cannabis plants in excess of 28.5 grams shall be kept in a fully enclosed and locked structure located on the residential premises of the person(s) cultivating the cannabis.
- G. Structures in which cannabis is cultivated shall comply with all applicable state and local health, safety, buildings and fire standards, including but not limited to the California Buildings Standards Code, as adopted by the City of Suisun City.
- H. Use of gasses (such as carbon dioxide, butane, propane and natural gas) for indoor cannabis cultivation is prohibited.
- I. Private residences used for cannabis cultivation (whether such cultivation occurs within the main residence or an accessory structure) shall maintain fully functional kitchen, bathroom and bedroom facilities, and shall not be used primarily or exclusively for cannabis cultivation.
- J. Cannabis cultivation areas shall be locked when not in use by authorized persons.
- K. Cannabis cultivation areas shall not be readily accessible to persons under twenty-one (21) years of age, regardless of whether such persons reside at the private residence used for cultivation.
- L. If the person(s) engaging in cannabis cultivation are not the property owners of the private residence being used for cultivation, such person(s) must obtain express consent of the property owner(s) prior to engaging in cannabis cultivation.

- M. The odor resulting from cannabis cultivation shall not be detectable by human senses from any neighboring property or public right-of-way. If deemed necessary by the Director to ensure that no odor resulting from cannabis cultivation shall be detectable by human senses from any neighboring property or public right-of-way, a personal cannabis cultivator shall install and continuously operate a functioning ventilation and filtration system which complies with all applicable building code regulations, including obtaining all required permits and approvals.
- N. Cannabis cultivation shall not result in emission of dust, glare, heat, gases, smoke, odors, fumes, particles, hazardous waste, or other impacts which constitute a nuisance or adversely affect the health, safety or welfare of any occupants of the subject property or of the surrounding area.

**Section 18.49.240 Administration.**

Further rules, regulations, procedures and standards for the administration and implementation of this chapter may be adopted from time to time either by resolution or ordinance of the City Council, by the Director (pursuant to authorization by resolution of the City Council), or as further provided by this chapter.

**Section 18.49.250 Violations and Penalties.**

- A. Any violation of the provisions of this chapter is punishable as a misdemeanor or an infraction, at the discretion of the city prosecutor, pursuant to Chapter 1.08 of the Suisun City Code.
- B. Any violation of the provisions of this chapter is grounds for issuance of an administrative compliance order pursuant to Chapter 1.16 of the Suisun City Code and/or issuance of an administrative citation pursuant to Chapter 1.20 of the Suisun City Code.
- C. Any violation of this chapter constitutes a public nuisance which may be abated in accordance with the procedures set forth in Chapter 8.12 of the Suisun City Code. All costs to abate such public nuisance, including attorneys' fees and court costs, shall be paid by the person causing the nuisance, including the property owner where the nuisance is occurring.
- D. The remedies prescribed in this chapter are cumulative of one another and of any other legal or equitable remedies which are or may be available to the City to enforce the provisions of this chapter. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing this chapter.
- E. Any violation of the provisions of this chapter shall constitute a separate offense for each and every day during which such violation is committed or continued.

**Section 18.49.260 Prohibitions.**

- A. Any commercial cannabis operation in violation of the MAUCRSA, this chapter, or any other applicable state or local law or regulation is expressly prohibited.
- B. It is unlawful for any commercial cannabis operation in the City, or any agent, employee, or representative of such commercial cannabis operation, to permit any breach of peace or any disturbance of public order or decorum by any tumultuous, riotous, or disorderly conduct at the site of the commercial cannabis operation.
- C. It is unlawful for any cannabis or cannabis products originally produced for personal use, pursuant to Section 18.49.230, to be sold in any manner.

**Section 18.49.270 Nonconforming Use.**

No use which purports to have engaged in a commercial cannabis activity of any nature prior to the enactment of this chapter shall be deemed to have been a legally established use under the provisions of this Code, or any other local ordinance, rule or regulation, and such use shall not be entitled to claim legal nonconforming status.

**Section 18.49.280 Delivery (medical) operating standards and restrictions.**

A. Deliveries Allowed.

- 1. Medical cannabis deliveries are allowed in the City subject to the requirements of this chapter and compliance with applicable state law.
- 2. Adult-use (recreational) cannabis deliveries in the City are prohibited.

B. Licenses and Permits. Deliveries of cannabis and cannabis products shall only occur within the City by a commercial cannabis operation properly licensed or permitted to engage in cannabis deliveries by both the State of California as well as the originating jurisdiction of the delivery.

C. Documentation Required for Deliveries.

- 1. During deliveries the person making the actual delivery shall maintain at all times on his or her person a physical copy of the delivery request being fulfilled, a government-issued identification of the person with a photograph, a copy of the State license which authorizes the delivery activity, and any other license or permit required by the originating jurisdiction to engage in the delivery of cannabis or cannabis products
- 2. Upon request made by any law enforcement officer the person shall make these documents immediately available for review.

D. Business License. Commercial cannabis operations that conduct deliveries of cannabis or cannabis products to customers located in the City, regardless of the originating

jurisdiction of the delivery, are required to have a valid and current City business license to engage in such commercial activity.

**SECTION 3.** Chapter 5.42, “MARIJUANA USES AND ACTIVITIES PROHIBITED,” of the Suisun City Code is hereby repealed in its entirety.

**SECTION 4.** Chapter 18.59, “PROHIBITED BUSINESSES,” of the Suisun City Code is hereby repealed in its entirety.

**SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion 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 section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall be in full force and effect thirty (30) days after its passage.

**SECTION 7. CERTIFICATION.** The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City, California, on this \_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
Pete Sanchez, Mayor

**ATTEST:**

\_\_\_\_\_  
Linda Hobson, City Clerk

**APPROVED AS TO FORM  
AND LEGAL CONTENT:**

\_\_\_\_\_  
Anthony R. Taylor, City Attorney

**CERTIFICATION:**

I, Linda Hobson, City Clerk of the City of Suisun, California, do hereby certify that Ordinance \_ was adopted by the City Council of the City of Suisun City at a regular meeting held on the \_ day of \_, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Linda Hobson, City Clerk  
City of Suisun City, California

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CITY OF SUISUN CITY, 701 Civic Center Blvd., Suisun City, California 94585

## NOTICE OF EXEMPTION

To:  Office of Planning and Research  
P.O. Box 3044, 1400 Tenth Street, Room 22  
Sacramento, CA 95812-3044

From: City of Suisun City  
701 Civic Center Blvd.  
Suisun City, CA 94585

County Clerk-Recorder  
Solano County  
675 Texas Street, Suite 2700  
Fairfield, CA 94533-6338

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**Project Title:** Cannabis Regulatory Program Ordinance

**Project Location:** In residential zones (personal cultivation), in the Commercial Services and Fabrication (CSF) zone (one storefront retailer) and in specific Cannabis Business Zones (commercial cannabis businesses including cultivation, manufacture, distribution and testing uses) that would be established at a future date, in the City of Suisun City in Solano County, California.

**Assessor's Parcel Number(s):** N/A

**Project Description:** The proposed project (an ordinance amending the Suisun City Code) establishes land use regulations and standards for personal cultivation of cannabis, as defined under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and the Adult Use of Marijuana Act (AUMA) and other applicable laws. The ordinance also establishes local laws that permit and regulate, or prohibit, the various types of commercial cannabis operations, including cultivation, manufacturing, testing, transportation, delivery and distribution (including storage) of cannabis and cannabis-related products, and provides for the City to enforce its provisions consistent with State law. The ordinance allows for the establishment of Cannabis Business Zones, but does not designate any such zones at this time. The ordinance provides that no commercial cannabis use can be established outside of a cannabis business zone, which shall be approved prior to commencement of the use. As an exception to this rule, the ordinance allows the establishment of a single cannabis storefront retailer within the CSF zone. All commercial cannabis land uses would be subject to issuance of a City Commercial Cannabis Business Permit.



**Lead Agency:** City of Suisun City

**Lead Agency Contact Person and Phone Number:** Paul Junker, Senior Project Manager, 916 838-8384

**Applicant:** City of Suisun City  
701 Civic Center Blvd.  
Suisun City, CA 94585

**Exemption Status:**

- Consistent with a Community Plan or Zoning [CEQA Guidelines §15183; PRC §21083.3]
- Emergency Project
- General Rule [CEQA Guidelines §15061]
- Categorical Exemption [CEQA Guidelines §15301; PRC §21084]
- Statutory Exemption [California Business & Professions Code §26055(h)]

**REASONS WHY THIS PROJECT IS EXEMPT:**

1. The California Environmental Quality Act (Section 21000 *et seq.* of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed project is a project under CEQA. The proposed project is exempt from CEQA under CEQA Guidelines Section 15061(b)(3), which states "[a] project is exempt from CEQA if... [t]he activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The proposed project is an ordinance, adoption of which would, among other things (discussed below), establish local laws to regulate the cultivation of cannabis for personal use in the City of Suisun City. The proposed ordinance is consistent with existing State law with respect to the right to cultivate cannabis for personal use. The ordinance would merely add provisions to the Suisun City Code to impose certain standards to ensure that personal cultivation is conducted in a manner that does not create nuisance conditions or pose a threat to public health and safety, such as providing that personal cultivation may only be conducted indoors in private residences by residents over the age of 21.

The proposed ordinance would also allow for the permitting and establishment of one cannabis storefront retailer at any given time within the CSF zone. Such a use would be limited to retail sales of cannabis and cannabis products and would be similar in character to non-cannabis retail uses already allowed within the City. The proposed ordinance establishes operational requirements to address and eliminate the potential for nuisance impacts associated with the cannabis storefront retailer use. The proposed ordinance also requires the discretionary approval of a Commercial Cannabis Business Permit that will allow the City to assure the storefront retailer use will be operated in a manner that is compatible with surrounding land uses and the overall community.



The proposed ordinance also establishes standards to permit and regulate, or prohibit, the other various types of commercial cannabis land uses, including commercial cannabis cultivation, manufacturing, distribution and testing operations. Specifically, the ordinance would provide for the permitting and regulation of all commercial cannabis uses except for the outdoor cultivation and microbusiness state license classifications, which would be prohibited. However, approval of the ordinance would not immediately allow such uses, as these activities would only be eligible to be permitted within an approved Cannabis Business Zone, and no such Cannabis Business Zones are proposed at this time. The ordinance includes procedures for the establishment of one or more Cannabis Business Zones subject to the discretionary review and approval by the City Council, and such future actions would be subject to review under CEQA. Until such time as a Cannabis Business Zone is established, commercial cultivation, manufacture, distribution or testing cannabis activities cannot be conducted within Suisun City. Additionally, all such commercial cannabis uses would be required to obtain and maintain a Commercial Cannabis Business Permit, issued as a discretionary approval by the City Council, in addition to the required state license, prior to commencing operation. Thus, approval of the proposed ordinance would not result in any changes to the physical environment that will not be addressed on an entitlement-specific basis by additional discretionary approvals from the City to establish a Cannabis Business Zone and/or issue Commercial Cannabis Business Permits to authorize the operation of commercial cannabis businesses.

Based on the above, it can be seen with certainty that the project (the proposed ordinance) will not have a significant effect on the environment. Therefore, pursuant to CEQA Guidelines Section 15061(b)(3), the proposed project is exempt from CEQA.

2. The proposed ordinance is also exempt from CEQA pursuant to the statutory exemption set forth in California Business & Professions Code Section 26055(h), which provides that CEQA does not apply to the adoption of an ordinance by a local jurisdiction that requires discretionary review and approval of permits or other authorizations to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such ordinance shall include any applicable environmental review pursuant to CEQA.

The proposed ordinance requires discretionary review and approval of all permits to engage in commercial cannabis activity, and the discretionary review provided for in the ordinance includes applicable environmental review pursuant to CEQA. Therefore, the ordinance is exempt from CEQA pursuant to Business & Professions Code Section 26055(h).

By \_\_\_\_\_

Paul Junker, Senior Project Manager  
City of Suisun City

\_\_\_\_\_

Date

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