

LEGISLATIVE DIGEST

[Planning Code - Cannabis Retail Uses]

Ordinance amending the Planning Code to require a minimum distance of 600 feet between a Cannabis Retail Use and daycare centers, exempt pending applications from that distance requirement, and establish an 18-month period of discontinuance of a Cannabis Retail Use as abandonment of the business, preventing its restoration except as a new Cannabis Retail Use; and affirming the Planning Department’s determination under the California Environmental Quality Act, making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302

Existing Law

Existing state law provides that commercial cannabis uses must be located at least 600 feet away from existing kindergarten through twelfth grade (“K-12”) schools, daycare centers, and youth centers, unless the California Department of Cannabis or a local jurisdiction specifies a different radius. Planning Code Section 202.2 specifies that Cannabis Retail Uses cannot be located within 600 feet of a K-12 school, another Cannabis Retail Use, or a Medical Cannabis Dispensary. There is no minimum distance between a daycare center or youth center and a Cannabis Retail Use under Planning Code Section 202.2.

State law includes a specific definition for “daycare center” that includes licensed daycare centers but not family daycare homes. The Planning Code includes a definition for “child care center” that is different than the state definition. One key difference is that the Planning Code definition includes small family daycare homes.

Under the Planning Code, if a Cannabis Retail business with a Conditional Use Authorization is closed for three years, the use may be deemed abandoned, which is the standard abandonment period for conditional uses in the Planning Code.

Amendments to Current Law

This ordinance would add a 600-foot required buffer between a Cannabis Retail Use and daycare centers. The new buffer would not apply to businesses that applied for a permit with the Office of Cannabis before the effective date of this ordinance.

A Cannabis Retail Use, whether conditionally authorized or otherwise permitted, would be deemed abandoned if the business is closed for 18 months.

Background Information

Commercial cannabis businesses are heavily regulated at the state level under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act and California Department of Cannabis regulations. Cannabis businesses are also regulated by the City, including under the Planning Code, administered by the Planning Department and Planning Commission, and under Article 16 of the Police Code, administered by the Office of Cannabis.

This ordinance uses the definition of “daycare center” from state law to avoid confusion between the state law and City regulations concerning cannabis. Because this definition of “daycare center” excludes family daycare homes, there would be a buffer around licensed daycare centers but not around family daycare homes.

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