

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY
ADDING CHAPTER 17.56 TO THE DALY CITY MUNICIPAL CODE RE:
CC- COMMERCIAL CANNABIS COMBINING DISTRICT

The City Council of the City of Daly City DOES ORDAIN as follows:

SECTION 1. Chapter 17.56 of the Daly City Municipal Code is hereby added to read as follows:

Chapter 17.56
CC-COMMERCIAL CANNABIS COMBINING DISTRICT

- 17.56.010 General provisions**
- 17.56.020 Lands to be included**
- 17.56.030 Permitted use**
- 17.56.040 Application requirements**
- 17.56.050 Eligibility zones**
- 17.56.060 Development regulations**
- 17.56.070 Hearing and notice requirements**

17.56.010 General Provisions.

The purpose and intent of this chapter is to provide for the orderly regulation of the commercial cannabis retail industry within the City of Daly City with the intent of encouraging economic growth and job creation while protecting the public health, safety and welfare of the residents and patients of the city. All definitions, authority, scope, responsibilities, requirements, standards, conditions, exemptions, procedures, and penalties described within state law are adopted and incorporated, as are any regulations identified in Chapter 5.104, Commercial Cannabis Regulations.

17.56.020 Lands to be included.

This Chapter and the regulations contained herein apply to the entire city and more specifically lands identified on the Zoning Map in the -CC Commercial Cannabis combining district. Excluded from -CC Commercial Cannabis combining district is any property that are in the Coastal Zone, situated on the County line with San Francisco, State-owned, County-owned, or any property that is zoned Commercial Office (C-O), Manufacturing (M), or PD (Planned Development). Also excluded is any property containing an existing or proposed gasoline service station.

17.56.030 Permitted use.

Following is the permitted use which may be permitted in an -CC combining district:

- A. Cannabis retailer, as defined in Chapter 5.104, Commercial Cannabis Regulations, and subject to the regulations contained therein.

B. Cannabis delivery, as defined in Chapter 5.104, Commercial Cannabis Regulations, and subject to the regulations contained therein.

17.56.040 - Application requirements.

The application requirements shall be those identified in 5.104.60 Commercial Cannabis Business License – General Provisions.

17.27.050 Eligibility zones.

The eligibility for any specific property located within the -CC Commercial Cannabis combining district shall conform to Chapter 5.104 – Commercial Cannabis Regulations.

17.27.060 Development regulations.

The development regulation shall be those identified in the underlying zoning designation and any such regulations identified by Chapter 5.104.50 Conditions of Operation.

17.27.070 Hearing and notice requirements.

No public hearing for the purpose of zoning conformance shall be required prior to the commencement of any use meeting the definition of Cannabis retailer, as defined in Chapter 5.104, Commercial Cannabis Regulations. The use shall be considered non-discretionary and therefore not subject to the requirements of the California Environmental Quality Act (CEQA).

SECTION 2. Environmental Determination:

The City Council of the City of Daly City finds and determines that the implementation of measures described in this Chapter is in furtherance police powers of the City of Daly City, and that these purposes are exempt from the provisions of the California Environmental Quality Act (CEQA); Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, as provided in categorical exemption Classes 1, 4, 5, 7, 8, 9, and or 21 of the CEQA Guidelines (Title 14, *California Code of Regulations*, Sections 15301-15329).

SECTION 3. Effective Date; Publication and Posting:

This Ordinance shall be in full force and effect thirty (30) days from and after its passage. This Ordinance shall be published according to law. The City Clerk shall post in the Office of the City Clerk a copy of the full text of this Ordinance in compliance with Government Code Section 36933(c)(1).

SECTION 4. Severability:

If any section, subsection or sentence of this Ordinance is found by a court of competent jurisdiction to be invalid or unlawful, the City Council finds and declares that the remainder of this ordinance would be and is enforceable and would have been adopted notwithstanding the finding of invalidity as to any section, subsection or sentence.

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Introduced this _____ day of _____ 2021.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the _____ day of _____ 2021, by the following vote:

AYES, Councilmembers _____

NOES, Councilmembers _____

Absent, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY