

PC RESOLUTION NO. 2025-37

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLES 5, 8, AND 17 OF THE TEMECULA MUNICIPAL CODE TO IMPLEMENT SB 1186 TO INCLUDE PERMITTING REQUIREMENTS AND OPERATIONAL STANDARDS TO ALLOW FOR A NON-STOREFRONT (DELIVERY ONLY) MEDICINAL CANNABIS RETAILER AND MAKING A FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15060(C)(2) AND SECTION 15061(B)(3)"

Section 1. Procedural Findings. The Planning Commission of the City of Temecula does hereby find, determine and declare that:

A. On September 18, 2022 Governor Newsom signed into law Senate Bill 1186 (SB 1186), which is known as the Medicinal Cannabis Patients' Right to Access Act, based on the premise that there are barriers to medicinal cannabis access for patients in California. Effective January 1, 2024, cities are prevented from adopting or enforcing any regulation that prohibit or unreasonably burden medical cannabis patients or primary caregivers access to medical cannabis. This includes prohibiting unreasonable restrictions on the sale or delivery of medical cannabis.

B. City staff identified the need to make revisions and clarifications to portions of Title 5 (Business Licenses and Regulations), Title 8 (Health and Safety), and Title 17 (Zoning) of the Temecula Municipal Code to implement the changes to state law to allow for one medicinal cannabis delivery business from the City.

C. The Planning Commission, at a regular meeting, considered the proposed amendments to Title 5 (Business Licenses and Regulations), Title 8 (Health and Safety), and Title 17 (Zoning) of the Temecula Municipal Code on October 15, 2025, at a duly noticed public hearing as prescribed by law, at which time the City staff and interested persons had an opportunity to, and did testify either in support or opposition to this matter.

D. The proposed amendments to Title 5, 8, & 17 are consistent with the City of Temecula General Plan, and each element thereof.

E. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission recommended that the City Council adopt the Ordinance attached hereto as Exhibit "A".

F. All legal preconditions to the adoption of this Resolution have occurred.

Section 2. Further Findings. In recommending adoption of the proposed Ordinance, the Planning Commission of the City of Temecula does hereby make the following additional findings as required by Section 17.01.040 ("Relationship to General Plan") of the Temecula Municipal Code:

1. The proposed uses are allowed in the land use designation in which the use is located, as shown on the land use map, or is described in the text of the general plan.

The proposed changes to Title 17 include adding a non-storefront medicinal cannabis delivery establishment as a permitted use exclusively within the Light Industrial Zoning Designation. This change is being made to comply with SB 1186 and recent changes to state law concerning recreational and medicinal cannabis. All other proposed amendments are minor clarifications and typographical edits and do not propose any land use changes contrary to the adopted General Plan. use is allowed in the land use designation in which the use is located, as shown on the land use map, or is described in the text of the general plan.

2. The proposed uses are in conformance with the goals, policies, programs and guidelines of the elements of the general plan.

The proposed amendments to Title 17 of the Temecula Municipal Code do not propose any land use that is inconsistent with the Temecula General Plan. The majority of the Code Amendments do not create or allow new uses where they were not previously allowed. Only the revisions to the Light Industrial (LI) Zoning District impact the use of land. The Code Amendments would add "Medicinal Cannabis Delivery Service" as a land use in the LI Zoning District. Furthermore, the Code Amendment is consistent with Policy 1.4 "Support development of light industrial, clean manufacturing, technology, biomedical, research and development, and office uses to diversify Temecula's economic base" of the Land Use Element because it adds a use the city is required to allow under state law that could diversify the city's economic base. The remaining proposed amendments to the Temecula Municipal Code are minor clarifications and typographical edits and do not result in a contrary policy direction or indicate an inconsistency between the Temecula Municipal Code and the adopted General Plan.

3. The proposed uses are to be established and maintained in a manner which is consistent with the general plan and all applicable provisions contained therein.

The proposed amendments to Title 5, 8, and 17 of the Temecula Municipal Code do not propose any land use that is inconsistent with the Temecula General Plan. The proposed changes to cannabis regulations modify definitions, implement a permitting mechanism for non-storefront cannabis delivery service, furthers Policy 3.1 of the Economic Development Element of the Temecula General Plan, which is to "Encourage a pattern of development that balances revenue generating land uses in phase with other uses that have negative fiscal impacts." The addition of operational requirements, including separation and security requirements furthers Policy 1.1 of the Land Use Element of the Temecula General Plan, which is to "Review all proposed development plans for consistency with community goals, policies and implementation programs of this General

Plan, and consider potential impacts on surrounding land uses and infrastructure. Additionally, the Code Amendments furthers Goal 3 of the Community Design Element of the Temecula General Plan which is to ensure "Preservation and enhancement of the positive qualities of individual districts or neighborhood." All other proposed amendments are clarifications and typographical edits and do not propose any land use changes contrary to the adopted General Plan.

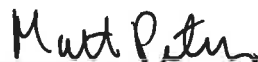
Section 3. Environmental Compliance. This ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3). The Municipal Code amendments would allow a non-storefront medicinal cannabis delivery service use within the Light Industrial (LI) zoning district subject to a regulatory permit. The cannabis delivery business authorized under this Municipal Code amendment is similar to already existing permitted general uses such as warehousing and distribution uses, with the only difference being the product sold (i.e., medicinal cannabis and medicinal cannabis products). The Ordinance does not change the zoning for any properties, meaning that they do not create negative environmental impacts or result in physical changes to the environment. The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; and the 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 may have a significant effect on the environment, the activity is not subject to CEQA. The businesses authorized under this Municipal Code amendment are similar to already existing permitted general uses such as retail, with the only difference being the product sold (i.e., medicinal cannabis and medicinal cannabis products). The Ordinance does not change the zoning for any properties, meaning that they do not create negative environmental impacts or result in physical changes to the environment. A Notice of Exemption has been prepared and will be filed in accordance with CEQA and the State CEQA Guidelines.

Section 4. Recommendation. The City of Temecula Planning Commission hereby recommends the City Council approve Planning Application No. LR24-0090, a proposed Citywide Ordinance as set forth on Exhibit "A", attached hereto, and incorporated herein by this reference.

PASSED, APPROVED AND ADOPTED by the City of Temecula Planning Commission this 15th day of October 2025.


Lanae Turley-Trejo, Chair

ATTEST:



Matt Peters
Secretary

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

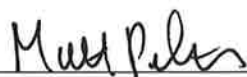
I, Matt Peters, Secretary of the Temecula Planning Commission, do hereby certify that the forgoing PC Resolution No. 2025-37 was duly and regularly adopted by the Planning Commission of the City of Temecula at a regular meeting thereof held on the 15th day of October, 2025, by the following vote:

AYES: 3 PLANNING COMMISSIONERS: Hagel, Solis, Turley-Trejo

NOES: 1 PLANNING COMMISSIONERS: Watson

ABSTAIN: 0 PLANNING COMMISSIONERS: None

ABSENT: 1 PLANNING COMMISSIONERS: Watts



Matt Peters
Secretary

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLES 5, 8, AND 17 OF THE TEMECULA MUNICIPAL CODE TO IMPLEMENT SB 1186 TO INCLUDE PERMITTING REQUIREMENTS AND OPERATIONAL STANDARDS TO ALLOW FOR A NON-STOREFRONT (DELIVERY ONLY) MEDICINAL CANNABIS RETAILER AND MAKING A FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15060(C)(2) AND SECTION 15061(B)(3)

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Procedural Findings. The City Council of the City of Temecula does hereby find, determine and declare that:

A. Senate Bill No. 1186 ("SB 1186"), signed into law by Governor Newsom on September 18, 2022 and effective January 1, 2024, provides that a local jurisdiction shall not adopt or enforce any regulation that prohibits the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers, or that otherwise has the effect of prohibiting the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by licensed medicinal cannabis businesses in a timely and readily accessible manner, and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction.

B. City staff identified the need to make revisions to Title 5 (Business License and Regulations), Title 8 (Health and Safety), and Title 17 (Zoning) of the Temecula Municipal Code to comply with the provisions of the legal mandate imposed by the State of California via Business and Professions Code §26320 (SB 1186).

C. The code amendments are being made to implement the required portions of SB 1186 while addressing location, permitting and operational concerns surrounding cannabis establishments. Such establishments will be limited in quantity to one and shall only be located within the Light Industrial (LI) Zoning District. If the City Council amends the Municipal Code to allow more than one medical cannabis retail delivery business, at that time, the City Council will consider adopting a regulatory scheme whereby any additional medical cannabis retail delivery business must enter into a development agreement with the City which agreement will require the payment of a community benefit fee.

D. The code amendments provide for operational standards, location, and ministerial permitting process. Finally, the code amendment makes minor typographical edits to the code.

E. As required by State law, the Planning Commission considered the proposed amendments to Title 17 (Zoning) of the Temecula Municipal Code (“Ordinance”) on October 15, 2025, at a duly noticed public hearing as prescribed by law, at which time City staff and interested persons had an opportunity to and did testify either in support of or opposition to this matter.

F. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted PC Resolution No. 2025-37, recommending that the Council approve the proposed Ordinance.

G. The Council, at a regular meeting, considered the Ordinance on November 18, 2025, at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter.

H. Following the public hearing, the Council considered the entire record of information received at the public hearings before the Planning Commission and Council.

Section 2. Further Findings. The Council, in approving the proposed Ordinance, hereby makes the following additional findings as required by Section 17.01.040 (“Relationship to General Plan”) of the Temecula Municipal Code:

A. The proposed uses are allowed in the land use designation in which the use is located, as shown on the land use map, or is described in the text of the general plan.

The proposed changes to Title 17 include adding a non-storefront cannabis delivery establishment as a permitted use exclusively within the LI Zoning Designation. This change is being made to comply with SB 1186 and recent changes to state law concerning recreational and medicinal cannabis. All other proposed amendments are minor clarifications and typographical edits and do not propose any land use changes contrary to the adopted General Plan.

B. The proposed uses are in conformance with the goals, policies, programs and guidelines of the elements of the general plan.

The proposed amendments to Title 17 of the Temecula Municipal Code do not propose any land use that is inconsistent with the Temecula General Plan. The majority of the Code Amendments do not create or allow new uses where they were not previously allowed. Only the revisions to the LI Zoning District impact the use of land. The Code Amendments would add “Medicinal Cannabis Delivery Service” as a land use in the LI Zoning District. Furthermore, the Code Amendment is consistent with Policy 1.4 (“Support development of light industrial, clean manufacturing, technology, biomedical, research and development, and office uses to diversify Temecula’s economic base”) of the Land Use Element because it adds a use the city is required to allow under state law that could diversify the city’s economic base. The remaining proposed amendments to the Temecula Municipal Code are minor clarifications and typographical edits and do not result in a contrary policy direction or indicate an inconsistency between the Temecula Municipal Code and the adopted General Plan.

C. The proposed uses are to be established and maintained in a manner which is consistent with the general plan and all applicable provisions contained therein.

The proposed amendments to Title 5, 8, and 17 of the Temecula Municipal Code do not propose any land use that is inconsistent with the Temecula General Plan. The proposed changes to cannabis regulations modify definitions, implement a permitting mechanism for non-storefront cannabis delivery service, furthers Policy 3.1 of the Economic Development Element of the Temecula General Plan, which is to “Encourage a pattern of development that balances revenue generating land uses in phase with other uses that have negative fiscal impacts.” The addition of operational requirements, including separation and security requirements furthers Policy 1.1 of the Land Use Element of the Temecula General Plan, which is to “Review all proposed development plans for consistency with community goals, policies and implementation programs of this General Plan, and consider potential impacts on surrounding land uses and infrastructure. Additionally, the Code Amendments further Goal 3 of the Community Design Element of the Temecula General Plan which is to ensure “Preservation and enhancement of the positive qualities of individual districts or neighborhood.” All other proposed amendments are clarifications and typographical edits and do not propose any land use changes contrary to the adopted General Plan.

Section 3. Environmental Findings. The City Council hereby finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3). The Municipal Code amendments would allow a non-storefront medicinal cannabis delivery service use within the LI Zoning District subject to a regulatory permit. The cannabis delivery business authorized under this Municipal Code amendment is similar to already existing permitted general uses such as warehousing and distribution uses, with the only difference being the product sold (i.e., medicinal cannabis and medicinal cannabis products). The Ordinance does not change the zoning for any properties, meaning that they do not create negative environmental impacts or result in physical changes to the environment. The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; and the 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 may have a significant effect on the environment, the activity is not subject to CEQA. The businesses authorized under this Municipal Code amendment are similar to already existing permitted general uses such as retail, with the only difference being the product sold (i.e., medicinal cannabis and medicinal cannabis products). The Ordinance does not change the zoning for any properties, meaning that they do not create negative environmental impacts or result in physical changes to the environment. A Notice of Exemption has been prepared and will be filed in accordance with CEQA and the State CEQA Guidelines.

Section 4. A new Chapter 5.26 (Medicinal Cannabis Delivery Service) is hereby added to Title 5 (Business License Regulation) of the Temecula Municipal Code to read as follows:

“Chapter 5.26. Medicinal Cannabis Delivery Service.

5.26.010. Definitions.

For purposes of this Chapter, the following words or terms are defined as follows:

“Medicinal Cannabis Delivery Permit” or “MCDP” means a permit issued to allow a non-storefront, delivery-only medicinal cannabis retail use (Medicinal Cannabis Delivery Service”) subject to the requirements of this chapter and Chapter 8.52.

“Medicinal Cannabis Delivery Service” means a non-storefront retailer of medicinal cannabis by delivery only to a qualified patient for their personal medicinal use or to their primary caregiver in full compliance with California Health and Safety Code Section 11362.765 with a Type 9: non-storefront retailer (delivery only) issued by the California Department of Cannabis Control (DCC).

5.26.020. Automatic Repeal.

This Chapter is intended to implement the mandate required by Business and Professions Code Section 26322 and is subject to the automatic repeal provisions as set forth in Section 8.52.090 of this Code.

5.26.030. Medicinal Cannabis Delivery Permit Required.

It is unlawful for any person to act as or operate a Medicinal Cannabis Delivery Service, as defined in Section 8.52.030, without first obtaining and maintaining a valid Medicinal Cannabis Delivery Permit, as defined in Section 8.52.030, pursuant to this chapter.

5.26.040 Quantity of Medicinal Cannabis Delivery Permit(s).

There shall be a maximum of one Medicinal Cannabis Delivery Permit issued within the City, at any given time, limiting the number of such establishments to one. Should amendments to state law, or interpretations thereto, require greater than one such establishment, the City will allow the minimum (fewest) number of such businesses as to not conflict with state law. Such additional businesses would be permitted as specified in this Section.

5.26.050 Selection Process.

Completed applications that have paid the required deposit will be accepted and processed on a first come, first serve basis. Incomplete applications will be rejected.

5.26.060 Application for Medicinal Cannabis Delivery Permit.

A. All persons desiring a medicinal cannabis delivery permit shall file a written application on the required form available at the City’s planning department. The application, to be signed under penalty of perjury, shall be accompanied by the appropriate deposit established by resolution of the Council. The applicant must be at least twenty-one (21) years of age at the time of application. The application shall be completed and signed by the operator of the proposed medicinal cannabis delivery service, if a sole proprietorship; one general partner, if the operator is a partnership; one officer or one director, if the operator is a corporation; and one participant, if the operator is a joint venture. The application for a medicinal cannabis delivery permit does not authorize operation of a medicinal cannabis delivery service unless and until such permit has been properly granted.

B. The application shall contain or be accompanied by the following information, without exception:

1. A detailed statement of operations that reflects all aspects and operation of the business, to include hours of operation, number of employees and independent contractors, proposed security, estimated number of daily deliveries (trips), proposed number of delivery vehicles, parking spaces required, and any other information requested by the Chief of Police.

2. The type of ownership of the business; for example, whether an individual, partnership, or corporation. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than five percent of the stock of that corporation. If the applicant is a partnership, the application shall set forth the name and residence of each of the partners, including limited partners. If the business is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the Secretary of State. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply.

3. The precise name under which the Medicinal Cannabis Delivery Service is to be conducted.

4. The complete address, all telephone numbers, and email addresses of the Medicinal Cannabis Delivery Service.

5. The following personal information concerning the applicant(s):

a. Full complete name and all aliases used by the applicant(s).

b. Current address and all previous residential addresses for eight years immediately preceding the present address of the applicant(s).

c. Acceptable proof that each applicant is at least twenty-one (21) years of age.

d. Proof of legal residency and/or the ability to legally work in the United States.

e. The applicant's complete business, occupation and employment history for eight years preceding the date of application, including, but not limited to, medicinal or recreational cannabis delivery service or similar business history and experience of the applicant(s).

f. The complete cannabis license history of the applicant(s), whether such person has ever had any permit, license, or certification to conduct sales, cultivation, manufacturing, or testing of cannabis products issued or denied by any

governmental authority; the date of issuance of such a permit or license, whether the permit or license was denied, revoked or suspended; and the reason(s) therefor.

g. Whether the applicant has ever had a cannabis license, or any permit/license required for the operation of any cannabis business denied, revoked or suspended by any government authority, and the reason therefor.

h. All criminal convictions occurring in any state or country, including convictions resulting from any plea of nolo contendere (no contest), within the last ten (10) years, including those dismissed or expunged pursuant to Penal Code Section 1203.4, but excluding infraction traffic violations, and the date and place of each such conviction and reason therefor.

i. Information regarding any pending criminal charges against the applicant to include specific charges, dates, verdicts or judgement to include any and all imposed fines and/or penalties. Any additional information as may be required by the Chief of Police in their sole discretion investigating the validity of applications submitted under this section.

j. A complete set of fingerprints taken by the police department.

6. The name and address of the owner and lessor of the premises upon or in which the Medicinal Cannabis Delivery Service is to be located. In the event the applicant is not the legal owner of the premises, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the premises that a medicinal cannabis delivery service will be located on the premises, and that the medicinal cannabis delivery service must operate in compliance with the requirements of this chapter;

7. Such other identification and information as the Chief of Police may require in order to discover the truth of the matters required to be set forth in the application;

8. A statement in writing and dated by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct;

9. Statements in writing and dated by the applicant and the applicant's designated manager(s) certifying under penalty of perjury that they:

a. Have reviewed Chapter 8.52, Chapter 9.11, and Chapter 5.26 of the Temecula Municipal Code,

b. Understand its contents,

c. Understand the duties of a manager,

d. Will only employ persons of legal age to sell cannabis products,

e. Authorize the Chief of Police to investigate the truth of the information contained in the application, and

f. Will be responsible for the conduct of all medicinal cannabis delivery service operators, employees, agents, independent contractors, or other representatives while such persons are on the premises or in the performance of employment duties of the Medicinal Cannabis Delivery Service, and that failure to comply with the provisions of this chapter and any federal, state, or local law, may result in the revocation of the medicinal cannabis delivery permit.

10. If, during the term of a Medicinal Cannabis Delivery Permit, the permit holder has any change in the information submitted on the original or renewal application, the permit holder shall notify the police department in writing, within ten (10) business days.

11. A floor plan, with dimensions, of the proposed Medicinal Cannabis Delivery Service showing all:

a. Interior areas, including areas where cannabis products and paraphernalia are stored, packaged, or in any way prepare any order for delivery.

b. Security cameras (to include storage device or location of storage).;

i. Video cameras shall be hard wired, and be a minimum of 4K resolution or greater with enough storage to hold a minimum of sixty (60) days' worth of video, regardless of size or space needed for such storage.

c. Odor control devices (to include exhaust vents, intakes and all associated equipment);

d. Doors and windows;

e. Restrooms and plumbing;

f. HVAC equipment;

g. Any other physical features listed on the application; and

h. Any other items required by the Chief of Police.

12. A site plan, with dimensions, of the proposed Medicinal Cannabis Delivery Service showing all:

a. Surrounding parcel land use(s) and zoning designation(s);

- b. Water, electrical and all utility connections and meter, panels, etc.;
- c. Employee path of travel;
- d. All HVAC and odor control devices, to include proposed screening;
- e. Landscape;
- f. Screening proposed, to include material, finish and color;
- g. Any other items required by the Chief of Police.

13. Lighting (photometric) Plan. The lighting plan shall be compliant with Chapter 17.08 of this Code, except that all exterior lighting for Medicinal Cannabis Delivery Services shall provide a minimum illumination of two foot-candles and shall comply with Riverside County Ordinance No. 655.

14. Security Plan. The security plan shall be submitted in a sealed security envelope clearly marked as such. The security plan shall detail all aspects of security proposed at the site, to include but not limited to:

- a. Description of who is responsible for implementing the security plan, the responsibilities of each employee;

- b. Description of how the applicant will ensure all access points will be secured, which includes a description of all entrances and exits, windows, and doorways and the types of locks used.

- c. Description of the procedures for allowing individuals access to the premises, which includes:

- i. List of employees who have access including their roles (position/job title) and responsibilities;

- ii. Description of how the applicant will ensure only authorized persons have access to the licensed premises; and

- iii. Description of how the applicant will maintain an accurate record of all non-employee authorized individuals allowed onsite, in conformance with 4 California Code of Regulations (“CCR”) Section 15042.

- d. Description of how the applicant will comply with the employee badge requirement in 4 CCR Section 15043, including how the applicant will assign

employee numbers and what the procedures are when an employee changes responsibilities or leaves the employment of the licensee.

e. Description of the video surveillance system, which includes:

i. A description of the types of cameras and video storage equipment which must show compliance with Section 5.26.090;

ii. A description of the required digital video camera placements and the number of cameras to be used and their resolution;

iii. A description of the procedures for the maintenance of the video surveillance equipment;

iv. A description of how the applicant will be notified of video surveillance system-failure or malfunction;

v. A description of how and by whom the video surveillance system will be monitored (no self-monitoring is allowed);

vi. A description of how the applicant will produce copies of video recordings at the licensed premises immediately upon request of the City or DCC; and

vii. A description of how the applicant will share the video surveillance system with other licensees (when sharing services at the same location), if applicable.

viii. All doors or windows capable of opening to the exterior of the building shall have appropriate alarm devices incorporated into the monitored alarm system.

f. Provide information regarding the use of security personnel onsite, which includes:

i. Whether the security personnel will be employed by the applicant or contracted. If contracted, provide the name of the security company, license numbers, contact person, phone number of personnel that will be providing services, and a copy of the contract;

ii. Whether the security personnel will be stationed on the licensed premises and/or which areas will be covered by roving security;

iii. The hours security personnel will be onsite;

iv. A description of how the applicant will share security personnel with other licensees (when sharing services at the same location), if applicable;

v. Description of weapons carried if armed security is proposed; and

vi. All security personnel shall comply with Chapter 9.11 of this code, unless otherwise provided for in this Chapter and with the Bureau of Cannabis Control's regulations for security personnel. To the extent there is any conflict between the regulations, the more restrictive regulations will control.

g. Provide a description of the security alarm system, which includes:

i. The name, license number, address, phone number, and contact person of the alarm company that installed, maintains, and monitors the alarm system;

ii. How the applicant will ensure the alarm system remains operational, including the frequency of maintenance checks by the alarm company;

iii. A description of the alarm system features, including whether it has motion, noise, or other detection sensors on the premises;

iv. A description of how an alarm will be responded to, including whether law enforcement personnel will be notified; and

v. A description of how licensees will be sharing the alarm system with other licensees (when sharing services at the same location), if applicable.

h. The Chief of Police may request additional information or security items or procedures at their sole discretion.

15. Radius Map. A radius map of appropriate size showing compliance with the separation requirements of five hundred (500) feet from sensitive receptors as specified in Section 8.52.090(F).

16. The designated manager(s). The applicant, if a corporation or partnership, shall designate one or more of its officers or partners to act as manager during business hours. If the applicant is an individual, then that individual, or designee thereof shall act as manager. Each person who is designated or whose job description requires them to serve as a manager, for any length of time, shall complete and sign all application forms required of an individual applicant for a Medicinal Cannabis Delivery Permit.

17. A notarized affidavit signed by the property owner and/or the property manager acknowledging that a Medicinal Cannabis Delivery Service will operate from the specified property or suite. Additionally, a similar affidavit signed by the Property Owners Association (POA) applicable to the parcel, if any, shall be provided.

18. Proof of Insurance satisfying Section 5.26.080.L. Evidence of the required insurance shall be provided to the Chief of Police at the time an initial application, or renewal application, is filed.

C. Notwithstanding the fact that an application filed under this Section may be a “public record” under Government Code Section 7920.000, et seq., certain portions of such application contain information vital to the effective administration and enforcement of the licensing and/or permit scheme established herein which is personal, private, confidential, or the disclosure of which could expose the applicant to a risk of harm. Those portions of the application which are not subject to disclosure are: the applicant’s residence address and telephone number, the applicant’s date of birth and/or age, the applicant’s driver’s permit and/or social security number, security plan, and/or personal financial data. The Council in adopting the application or permitting system set forth herein has determined in accordance with Government Code Section 7920.000 that the public interest in disclosure of the information set forth above is outweighed by the public interest in achieving compliance with this chapter by ensuring that the applicant’s privacy, confidentiality or security interests are protected. The city clerk shall cause to be redacted from any copy of a completed permit application made available to any member of the public, the information set forth above.

D. Applications must be submitted in person to the Community Development Department.

5.26.070 Medicinal Cannabis Delivery Service Standards.

A. On site sales. Medicinal Cannabis Delivery Services are not allowed to conduct on site sales; as such, structures used for such purposes shall be discreet and not identify, imply, or in any way visually make known the use operating from within the structure.

B. Display of Permits. Medicinal Cannabis Delivery Service(s) shall at all times display in a conspicuous and prominent manner, visible upon entrance to the Medicinal Cannabis Delivery Service, the permit that is obtained pursuant to this Chapter. For the purposes of this Section, “entrance” shall mean the primary entryway or doorway used by employees, vendors, etc. to enter the facility as designated on the approved security plan.

C. Signs. All Medicinal Cannabis Delivery Service signs shall comply with all provisions of Chapter 17.28 (Sign Standards), and the adopted sign program. When there is a conflict between standards, the more restrictive standard shall be followed. Medicinal Cannabis Delivery Service(s) shall not have signage on doors, windows or storefronts except as provided for in Section 17.28.050(I)&(J). No signs shall be closer than eighteen (18) inches from any exterior doors, windows or storefront. No signs depicting cannabis, cannabis products, brands,

manufacturers, accessories, or cannabis use in any form shall be able to be seen from the public right of way. Each sign violating this Section shall be counted as a violation.

D. Lighting. Medicinal Cannabis Delivery Service establishments shall be internally illuminated with white or soft white lights only. No lighting for any purpose shall be placed around or on windows or doors, to include frames.

E. Accessory Uses. Accessory uses are prohibited.

F. Bathroom Facilities. Bathroom facilities shall be for employees only and shall have no direct access to the exterior of the structure.

G. Equipment. All equipment shall be screened from public view, regardless of equipment's location or purpose.

H. Exterior Storage. No exterior storage is permitted.

5.26.080 Medicinal Cannabis Delivery Service Operational Standards.

A. Business License. All Medicinal Cannabis Delivery Service(s) shall hold a valid business license issued by the City of Temecula.

B. State Cannabis License. All Medicinal Cannabis Delivery Service(s) shall at all times maintain their Type 9: non-storefront retailer (delivery only) issued by the California Department of Cannabis Control (DCC), and any other license required by the State of California. The Type 9 DCC license is the sole acceptable cannabis license issued by the state eligible to apply for the Medicinal Cannabis Delivery Permit. Other permits issued by the State do not authorize the expansion of the Medicinal Cannabis Delivery Service within the City whether physical expansion or expansion of use.

C. Medicinal Cannabis Delivery Permit. All Medicinal Cannabis Delivery Service shall hold a valid Medicinal Cannabis Delivery Permit issued by the City.

D. Hours of Operation. The owner of the Medicinal Cannabis Delivery Service must advise the City, in writing, at the time of application for a permit of the business hours, and any change in hours occurring thereafter.

E. Employee Age. No person under the age of twenty-one (21) years, at the time of application, shall operate or be employed by a Medicinal Cannabis Delivery Service in any capacity. This includes volunteers, internships, and working for non-monetary compensation.

F. Living Prohibited. No person or persons shall be allowed to live inside the Medicinal Cannabis Delivery Service at any time, whether permanent or temporary basis. Beds, mattresses, waterbeds, futons, sofa beds, or any type of portable or convertible bed are not permitted on the premises.

G. Alcoholic Beverages/Drugs – Prohibited Materials. No person shall enter, be in or remain in any portion of a structure containing a Medicinal Cannabis Delivery Service, while in possession of, consuming, using or under the influence of any alcoholic beverage, recreational drugs (including cannabis) or a controlled substance. The operator and on-duty manager shall be responsible to ensure that no such person shall enter or remain upon the premises. Service of alcoholic beverages or recreational drugs shall not be allowed to include all substances located in Chapter 8.56 (Psychoactive Bath Salts, Psychoactive Herbal Incense, and other Synthetic Drugs). No Medicinal Cannabis Delivery Service shall sell, store, distribute, trade or in any other manner provide alcohol to any person.

H. Samples. All Medicinal Cannabis Delivery Service are prohibited from providing samples or tastings of any product or accessory whether free or for a donation.

I. Entrances. Medicinal Cannabis Delivery Services are prohibited from onsite sales, as such all entrances shall be discreet, externally locked at all times, and require a key or key card to gain access.

J. Tobacco Products. Tobacco Products of any kind are prohibited from being sold or provided.

K. Video Surveillance. Video surveillance systems shall comply with the approved security plan, and additionally:

1. Digital video Surveillance system shall be required;
2. No video shall be deleted unless greater than sixty (60) days old; and
3. Any video requested by any enforcement agency shall be kept until said agency is complete with the investigation.

L. Insurance. No operator or manager shall engage in, conduct or carry on the business of a Medicinal Cannabis Delivery Service unless there is on file with the police department, in full force and effect at all times, documents issued by an insurance company authorized to do business in the state of California evidencing that the permit holder is insured under a liability insurance policy providing minimum coverage of one million (\$1,000,000) dollars for personal injury or death to one person arising out of the operation.

M. Compliance With All Laws. Each operator or manager shall at all times comply with all provisions of this chapter and all other applicable provisions of the Temecula Municipal Code, all conditions of any required zoning approvals, conditions imposed by the Chief of Police, and all state and federal laws, statutes and regulations, and shall provide proof of compliance upon request by the police department.

N. Vehicles. Cannabis delivery vehicles present a unique security and safety risk as they operate a cash business and may have substantial sums of monies within the vehicle.

All vehicles used in operation, to include all delivery vehicles, of the Medicinal Cannabis Delivery Service shall, at all times, be:

1. Discreet, and contain no markings, decals, signs or advertising (to include “vehicle wraps”) that identify the business, nature of the business, or items or nature of items sold therein.
2. Currently and properly registered with the California Department of Motor Vehicles (DMV), this shall include carrying a physical registration card.
3. Covered by minimum vehicle insurance in an amount of one million (\$1,000,000.00) dollars.

5.26.090 Inspections.

A. A Medicinal Cannabis Delivery Service may be inspected at any time following reasonable notice, for the purpose of determining that the provisions of this chapter are met. Such inspections may be made by the police department, persons employed by the City whose job descriptions require the person to enforce the provisions of this code, including, but not limited to, code enforcement officers, and such other enforcement officials as described in Sections 1.16.020 and 1.21.020 of the Temecula Municipal Code or its successor sections.

B. Complaints or observed violations of this code reported to the City, or observed by the same, may result in additional inspections at the discretion of the Chief of Police, without notice.

C. The Medicinal Cannabis Delivery Service shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a permit issued pursuant to this chapter), or at any time upon reasonable request of the city, The Medicinal Cannabis Delivery Service shall file a sworn statement detailing the number and amount of sales by the business during the previous 12-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes and fees paid or due to be paid. Each permittee shall be subject to a regulatory compliance review and a gross receipts financial audit, where applicable, as determined by the City.

5.26.100 Transfer and Changes of Business.

No Medicinal Cannabis Delivery Permit may be sold, transferred or assigned by a permit holder, or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be null and void; provided and excepting, however, that if the permit holder is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case, the permit, upon notification to the Chief of Police, shall be placed in the name of the surviving partners.

5.26.110 Duration and Renewal of Permits.

A. Medicinal Cannabis Delivery Permit(s) are valid for one year, and must be renewed annually based on the date the original permit was issued, in accordance with the requirements below.

B. Applications for permit renewal shall be filed with the Chief of Police at least sixty (60) days prior to expiration of the existing permit. At the discretion of the Chief of Police, a temporary permit pending satisfactory completion of the renewal application process may be issued to renewal applicants who have no permit revocation proceedings pending at the time of filing of the renewal application. No temporary permit to operate shall be extended past sixty (60) days without exception and the application for renewal will be denied and applicant(s) prohibited from reapplying for a MCDP for one (1) year as of the date of denial.

C. No permit granted herein shall confer any vested right to any person for more than the permit period.

D. Renewal applications shall set forth such information as may be required by the Chief of Police to update and verify the information contained in the original permit application.

E. If an application for renewal of permit and all required information is not timely received and the permit expires, no right or privilege to operate a Medicinal Cannabis Delivery Service shall exist.

5.26.120 Violation and Penalty.

Medicinal cannabis is unique among land uses within the City, in that it is a medicinal necessity protected by law however, may still present unique impacts to the City, requiring a specific approach to violations of this Section.

A. Violation of any provision of this Section is subject to enforcement pursuant to the provisions of Title 1 of this code. The provisions of this chapter may be enforced by members of the Riverside County Sheriff's department, persons employed by the City whose job descriptions require the person to enforce the provisions of this code, including, but not limited to, code enforcement officers, and such other enforcement officials as described in Section 1.16.020 of this code or its successor sections. No provision of Title 1 or this chapter shall authorize a criminal prosecution or arrest prohibited by Health and Safety Code Section 11362.71 or 11362.1 et seq., as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under Title 1 or this chapter and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

B. Any violation or enforcement action of the California Department of Cannabis Control (DCC) or any agency authorized to enforce state cannabis laws must be reported to the Chief of Police within ten (10) calendar days.

C. Any violation of this chapter shall be, and the same is declared to be, unlawful and a public nuisance, and the City may, in addition to or in lieu of prosecuting a criminal or

administrative action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and injunction thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such commercial cannabis business or cannabis cultivation site and restrain and enjoin any person from operating, conducting or maintaining a commercial cannabis business or cannabis cultivation site in a manner contrary to the provisions of this chapter.

D. The Chief of Police is authorized to implement the requirements of this Section utilizing their sole discretion.

5.26.130 Medicinal Cannabis Delivery Permit Issuance and Denial.

A. Upon receipt of a written application for a Medicinal Cannabis Delivery Permit, the Chief of Police shall conduct an investigation to ascertain whether the applicant satisfies the requirements of this chapter. The Chief of Police shall, within thirty (30) days of receipt of an application, and on a first-come-first-served-basis, approve, conditionally approve or deny the application. The thirty-day (30) period may be extended for up to thirty (30) additional days, if necessary, to complete the investigation at the discretion of the Chief of Police or their designee.

B. The Chief of Police shall deny all Medicinal Cannabis Delivery Permit application(s) if the maximum number has been met.

C. The Chief of Police shall deny all Medicinal Cannabis Delivery Permit application(s) if they make any of the following findings:

1. The applicant, if an individual, or any of the officers or directors of the corporation, if the applicant is a corporation; or a partner, if the applicant is a partnership, or any person directly engaged or employed in the Medicinal Cannabis Delivery, including if any of the above listed parties, has within ten (10) years preceding the date of application:

a. Been convicted of a violation of Health and Safety Code Section 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code Sections 11054, 11055, 11056, 11057 or 11058;

b. Engaged in conduct in another jurisdiction which, if it had occurred within the City, would constitute grounds for denial or revocation under this chapter;

c. Been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to Penal Code Sections 11225 through 11235 or any similar provisions of law in a jurisdiction outside the state of California;

2. The applicant has had any cannabis license or permit revoked from any jurisdiction authorized to issue such licenses or permits;

3. The applicant or any of the applicant's proposed employees, after a full hearing by administrative proceeding or state court, has aided and abetted any of the offenses listed in this Section;

4. The applicant has made a false, misleading or fraudulent statement or omission of fact to the City in the permit or renewal application;

5. The application does not contain all of the information required by this Chapter;

6. The Medicinal Cannabis Delivery Service, as proposed by the applicant, does not comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements, regulations and standards;

7. The applicant has not satisfied the requirements of this chapter in the time specified;

8. The location of the proposed Medicinal Cannabis Delivery Service has within a twelve (12) month period prior to the submittal of the application:

a. Been the site of a violation of this chapter, or any similar criminal or civil ordinance, law, rule, or regulation of the state of California or any other public agency related to the operation of a business engaged in commercial marijuana activity,

b. Been the site of a business engaged in commercial marijuana activity that was closed due to criminal activity. For purposes of this subsection, closure due to criminal activity includes voluntary closure of a business engaged in commercial marijuana activity after there have been arrests at the location or other notices relating to criminal activity,

c. Been the site of a business engaged in commercial marijuana activity where violations have not been addressed in the time specified in the notice of violation or administrative citation,

d. Been the site of a business engaged in commercial marijuana activity that has outstanding fines issued pursuant to the Temecula Municipal Code that have not been paid.

D. If the application is denied for failure to comply with this chapter, the applicant, owner and operator of the Medicinal Cannabis Delivery Service may not reapply for a period of one year from the date the application was denied.

5.26.140 Revocation and Denial.

A. Violation and Noncompliance. The Chief of Police may refuse to issue a permit, renew a permit, or may revoke an existing permit, on the grounds that the applicant or permit

holder has failed to comply with the permit conditions or other requirements of this chapter, or any requirement of state law. In any such case, the applicant or permit holder shall have the right to appeal in the time and manner set forth in this Section.

B. For purposes of this Section, if an administrative citation is contested, and is held to be invalid or rescinded, the violations identified in the administrative citation shall not form the basis for revoking or refusing to renew a Medicinal Cannabis Delivery Permit. If any administrative citation is contested, and is upheld by an independent hearing officer appointed pursuant to this chapter, or by any court of law, that administrative citation can form the basis for the revocation or refusal to renew a Medicinal Cannabis Delivery Permit.

C. Notice. When the Chief of Police concludes that grounds for denial of a new permit or permit renewal, or permit revocation exist, the Chief of Police shall serve the applicant or permit holder, either personally or by certified mail, addressed to the business or residence address of applicant or permit holder, with a notice of denial of permit, or notice of intent to revoke or deny renewal. This notice shall state the reasons for the decision, the effective date of the decision, the right of the applicant or permit holder to appeal the decision to a hearing officer, and that the decision will be final if no written appeal is filed within the time permitted.

5.26.150 Appeal.

A. The right to file a written appeal of a revocation or denial of new permit or renewal of a permit shall terminate upon the expiration of fifteen (15) days of the date of mailing by the Chief of Police of the notice specified in this Section. The written appeal shall be filed with the City Clerk of the City of Temecula and shall be accompanied by an appeal fee in an amount as set by Council resolution, and the City Clerk shall promptly forward a copy of the appeal to the Chief of Police.

B. In the event an appeal is timely filed, the denial of the permit, or renewal or revocation of the permit, shall not be effective until a final decision has been made on the appeal. Notwithstanding the foregoing, if the Chief of Police finds and determines that permitting a Medicinal Cannabis Delivery Service to continue to operate, pending the appeal hearing, would present an unreasonable and immediate risk to the public health and safety, the denial of renewal or revocation may take effect immediately. If no timely appeal is filed, the denial of renewal or revocation shall become effective upon expiration of the period for filing appeals.

C. Upon receipt of a timely appeal, the City Clerk shall refer the appeal to the California Office of Administrative Hearings ("OAH") for the assignment of an administrative law judge to serve as the hearing officer.

D. In the event the Office of Administrative Hearings is unable to provide a hearing officer, the city clerk shall make arrangements for the selection of a hearing officer to conduct the appeal hearing as provided in this subsection.

1. Not less than fifteen (15) days prior to the appeal hearing, the city clerk shall notify the chief of police and the appellant of the names of three qualified attorneys or retired Superior Court or Appellate Court judges submitted to the city clerk by a reputable

firm providing mediators and arbitrators to serve as a panel from which the hearing officer will be selected.

2. Within five days of the date of mailing the notice of the available panel, the chief of police and the appellant may notify the city clerk in writing that he or she elects to remove one of the three potential hearing officers.

3. The city clerk shall then request the mediation and arbitration firm to select one of the remaining names on the list as the designated hearing officer for the appeal hearing.

4. The hearing officer shall be fair and impartial and shall have no bias for or against the chief of police or the appellant.

E. At the appeal hearing, the hearing officer shall receive oral and written evidence from the Chief of Police and the appellant. The hearing officer shall have authority to administer oaths to those persons who will provide oral testimony. The evidence presented need not comply with the strict rules of evidence set forth in the California Evidence Code, but shall be the type of evidence upon which reasonable and prudent people rely upon in the conduct of serious affairs. The hearing officer shall have broad authority to control the proceedings and to provide for cross examination of witness in a fair and impartial manner. The Chief of Police shall have the burden of proof to establish by clear and convincing evidence the facts upon which his or her decision is based. The appeal hearing shall be recorded by audio recording. Any party may, at its sole cost and expense, utilize the services of a certified court reporter to prepare the verbatim record of the hearing. If a court reporter is used, the transcript prepared shall be made available for purchase to both parties. The hearing officer may continue the appeal hearing from time to time, but only upon written motion of a party showing good cause for the continuance.

F. The hearing officer may uphold, modify or reverse the decision of the Chief of Police. Within thirty (30) days or as otherwise determined by OAH, of the conclusion of the appeal hearing, the hearing officer shall render his or her decision and make written findings supporting the decision. He or she shall send the decision to the City Clerk. Upon receipt of the hearing officer's decision, the City Clerk shall send a copy of it to the Chief of Police and the appellant, along with a proof of mailing.

G. Within ten (10) days from date of the City Clerk's mailing of the decision, either party may appeal the decision to the City Manager. The appeal shall be in writing and filed with the City Clerk, and shall state the grounds of the appeal and specify the errors in the hearing officer's decision. Upon receipt of the appeal, the City Clerk shall schedule the appeal for review by the city manager to occur within thirty (30) days.

H. The City Manager's review of the appeal shall be limited to determining whether the evidence received at the appeal hearing supports the findings and decision of the hearing officer. The City Manager shall be limited to considering the evidence presented at the appeal hearing. No public hearing shall be required and no new evidence shall be taken by the City Manager. The City Manager's decision on the appeal shall be set forth in a written opinion. The

City Clerk shall mail a copy of the City Manager's opinion to the Chief of Police and the appellant along with a proof of service. Any legal action challenging the City Manager's decision shall be filed within ninety (90) days of the date of the proof of service of mailing of the City Manager's opinion, pursuant to Section 1094.5, et seq., of the California Code of Civil Procedure. The City Manager's decision shall be final and effective upon mailing of the opinion. If the appellant prevails following a final decision, the appeal fee shall be returned.

I. In the event an appeal is filed, and the City prevails, the appellant shall reimburse the City for all costs born from the appeal process, to include all reasonable attorney fees.

J. In no case shall there be a right to appeal a decision on a permit if the decision was made in part or in whole, because the number of permits allowed in the City has been met."

Section 5. Section 8.52.030 (Definitions) of Chapter 8.52 (Marijuana Cultivation and Commercial Marijuana Activity) of Title 8 (Health and Safety) of the Temecula Municipal Code is hereby amended to add a definition for "Canopy Area", "Medical", "Medicinal Cannabis Delivery Permit", and "Medicinal Cannabis Delivery Service" to read as follows with all other provisions of Section 8.52.030 remaining unchanged:

"Canopy Area" means the area where mature plants are grown, to include all parts or portions of the growing plant(s).

"Medical", in reference to marijuana or cannabis, may be used interchangeably with the term "medicinal" for purposes of this Chapter.

"Medicinal Cannabis Delivery Permit" or "MCDP" means a permit issued to allow a non-storefront, delivery-only medicinal cannabis retail use ("Medicinal Cannabis Delivery Service") subject to the requirements of this chapter and Chapter 5.26.

"Medicinal Cannabis Delivery Service" means a non-storefront retailer of medicinal cannabis by delivery only to a qualified patient for their personal medicinal use or to their primary caregiver in full compliance with California Health and Safety Code Section 11362.765 with a Type 9: non-storefront retailer (delivery only) license per the California Department of Cannabis Control (DCC).

Section 6. Section 8.52.040 (Prohibitions on commercial marijuana activity) of Chapter 8.52 (Marijuana Cultivation and Commercial Marijuana Activity) of Title 8 (Health and Safety) of the Temecula Municipal Code is hereby amended to add a new paragraph F to read as follows, with all other provisions of Section 8.52.040 remaining unchanged:

"F. The prohibition contained within this Section shall not apply to "Medicinal Cannabis Delivery Service" establishments as specified in Section 8.52.090 (Medicinal Cannabis Delivery Service) of this code, and the standards, conditions and restrictions contained therein."

Section 7. Section 8.52.060 (Limited exemption from enforcement of medical marijuana) of Chapter 8.52 (Marijuana Cultivation and Commercial Marijuana Activity) of Title 8 (Health and Safety) of the Temecula Municipal Code is hereby amended to read as follows:

“A. The City is committed to making efficient and rational use of its limited investigative and prosecutorial resources. There shall be a limited exemption from enforcement for violations of this chapter for small amounts of cannabis cultivation, as permitted pursuant to Health and Safety Code Section 11362.1. et. seq., in zone classifications identified in Section 17.06.030 when all of the following conditions and standards are complied with:

1. The premises shall contain a legally permitted house, apartment unit, mobile home, or other similar dwelling.
2. Except as otherwise required by state law, cultivation of cannabis shall be no larger than one hundred (100) square feet of canopy area, regardless of the number of plants. In no circumstances shall a qualified patient have multiple primary caregivers cultivating cannabis plants for the qualified patient at the same time in the City.
3. All cannabis plants must be reasonably secured to prevent theft and access to the plants by persons under the age of twenty-one (21), to a standard satisfactory to the enforcement official.
4. All cannabis cultivation outside of any building must be fully enclosed by an opaque fence at least six feet in height. The fence must be adequately secured to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, tarps, or cloth material shall not constitute an adequate fence under this subsection. Premises larger than five acres are exempt from this fencing provision so long as all other standards and conditions of subsection A of this Section are complied with and any barriers used are otherwise consistent with this code.
5. Each building or outdoor area in which the cannabis plants are cultivated shall be set back at least ten (10) feet from all boundaries and property lines of the premises. Such setback distance shall be measured in a straight line from the building in which the cannabis plants are cultivated, or, if the cannabis plants are cultivated in an outdoor area, from the fence required by subsection (A)(6) to the boundary line of the premises.
6. The designated cannabis cultivation area must not be visible from any public right-of- way.
7. If the person cultivating cannabis plants on any premises is not the owner of the premises, such person shall submit a letter from the owner(s) consenting to the cannabis cultivation on the parcel. An original of this letter shall be submitted to and retained by the community development department. The City shall prescribe forms for such letters.

8. Parolees or probationers shall not live on the premises unless the parolees or probationers have received written confirmation from the court that he or she is allowed to use medicinal cannabis while on parole or probation pursuant to Health and Safety Code Section 11362.795 which shall be subject to verification by the enforcement official.

9. Qualified patients for whom the cannabis plants are being cultivated shall have valid medicinal cannabis identification cards issued by the Riverside County department of public health. Any primary caregiver cultivating cannabis plants for a qualified patient shall have a copy of the qualified patient's valid medicinal cannabis identification card issued by the Riverside County department of public health which shall be kept on the premises.

10. The address for the premises must be posted and plainly visible from the public right- of-way.

11. The cannabis cultivation shall not be upon any premises located within five hundred (500) feet of any school, community center, or park.

12. The cannabis cultivation shall not be upon any premises containing a child care center, church (religious facility), or youth-oriented facility.

B. Any cannabis cultivation for medicinal purposes that does not comply with all of the standards and conditions in subsection A of this Section is a public nuisance and shall be subject to penalties and abatement as provided in Title 1 and Chapters 8.12 and 8.52 this code.”

Section 8. A new Section 8.52.065 (Recreational Cannabis Exemption from Enforcement) of Chapter 8.52 (Marijuana Cultivation and Commercial Marijuana Activity) of Title 8 (Health and Safety) of the Temecula Municipal Code is hereby added to read as follows:

“Section 8.52.065 (Recreational Cannabis Exemption from Enforcement).

The prohibitions contained within this chapter shall not be applicable to recreational cannabis grown at a private residence by a person greater than twenty-one (21) years of age in full compliance with the applicable requirements of this code and Health and Safety Code Sections 11362.1 and 11362.2, and is limited to six cannabis plants. This limit remains six regardless of the number of persons over twenty-one (21) years of age that reside in the residence.”

Section 9. A new Section 8.52.090 (Medicinal Cannabis Delivery Service) is hereby added to Chapter 8.52 (Marijuana Cultivation and Commercial Marijuana Activity) of Title 8 (Health and Safety) of the Temecula Municipal Code to read as follows:

“Section 8.52.090 (Medicinal Cannabis Delivery Service).

B. Purpose and Intent. The purpose and intent of this Section is to implement the provisions of Chapter 26 (commencing with Section 26320) of Division 10 of the California Business and Professions Code (BPC), referred to as the Medicinal Cannabis Patients' Right to Access Act, which, as of January 1, 2024, prohibits a city from adopting or enforcing any regulations that prohibit or have the effect of prohibiting the delivery of medicinal cannabis to patients or their primary caregivers by licensed medicinal cannabis delivery service businesses in a timely and readily accessible manner. Furthermore, the City may not prohibit the establishment of one physical premises from which retail sale by delivery of medicinal cannabis within the jurisdiction is conducted by a licensed non-storefront retailer. This Section also imposes a regulatory licensing scheme and reasonable regulations to protect the City's neighborhoods, residents, and businesses from negative impacts associated with the transporting, delivery, and distribution of medicinal cannabis and medicinal cannabis products.

C. Automatic Repeal.

1. This Section is adopted pursuant to the legal mandate imposed by the State of California via BPC §26320. As set forth in this Section, the regulation in this chapter will be automatically repealed without additional action by the Council should BPC § 26322 be repealed by the California Legislature or invalidated by a court of competent jurisdiction.

2. Any establishment operating after an automatic repeal as specified above may continue to operate until the expiration of their Medicinal Cannabis Delivery Permit. All operations shall cease upon expiration.

3. Completed applications submitted and deemed complete prior to any repeal action shall be processed on their merit and approved and/or denied according to the requirements of this Section. The permit will be valid for one year from the date of approval, without any option to extend or continue the business thereafter within the City of Temecula.

D. Location. A Medicinal Cannabis Delivery Service shall be located exclusively within the Light Industrial (LI) zoning designation, as it read on the effective date of this ordinance.

E. No variance, amendment, minor exception, or deviation of the requirements contained within this code shall be allowed to meet any of the requirements contained therein. This shall include General Plan Amendments, Specific Plan Amendments, and any other form of zoning or zoning overlay amendment or change.

F. Separation: A Medicinal Cannabis Delivery Service shall be located a minimum of five hundred (500) feet from any sensitive receptor as defined in Chapter 9.20 (Noise). This distance shall be measured in a straight line from any entrance or exit from which employees or vendors will enter or exit the facility and the nearest property line of the sensitive use or receptor. Additional sensitive receptors shall include:

1. Alcohol and/or drug treatment facilities;
2. Low barrier navigation centers;

3. Homeless shelters or supportive housing;
4. Public or private parks, and
5. Daycare centers.

G. Permit Required. The operation of a Medicinal Cannabis Delivery Service requires the issuance of a Medicinal Cannabis Delivery Permit by the City, subject to Chapter 5.26 of this code.”

Section 10. Table 17.06.030 (Residential Districts) of Section 17.06.030 (Use Regulations) of Chapter 17.06 (Residential Districts) of Title 17 (Zoning) is amended to add “Medicinal Cannabis Delivery Service” as a use not allowed in residential districts, with all other provisions of Table 17.06.030 remaining unchanged:

Table 17.06.030								
Residential Districts								
Description of Use	HR	RR	VL	L-1	L-2	LM	M	H
Medicinal Cannabis Delivery Service-	-	-	-	-	-	-	-	-

Section 11. Table 17.08.030 (Schedule of Permitted Uses Commercial/Office/Industrial Districts) of Section 17.08.030 (Use Regulations) of Chapter 17.08 (Commercial/Office/Industrial Districts) of Title 17 (Zoning) is amended to add “Medicinal Cannabis Delivery Service” as a permitted use in the Light Industrial Zoning District and add “Note 18” as follows (with additions appearing in underlined text), with all other provisions of Table 17.08.030 remaining unchanged:

Table 17.08.030							
Schedule of Permitted Uses Commercial/Office/Industrial Districts							
Description of Use	NC	CC	HT	SC	PO	BP	LI
M							
Medicinal Cannabis Delivery Service-	-	-	-	-	-	-	<u>P</u>
18							

Notes:	
18.	<u>Subject to the requirements of Chapters 5.26 and 8.52.</u>

Section 12. Severability. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

Section 13. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 14. Effective Date. This Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED by the Council of the City of Temecula
the 9th day of December 2025.

Brenden Kalfus, Mayor

ATTEST:

Randi Johl
City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2025- was duly introduced and placed upon its first reading at a meeting of the Council of the City of Temecula on the 18th day of November, 2025, and that thereafter, said Ordinance was duly adopted by the Council of the City of Temecula at a meeting thereof held on the 9th day of December, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Randi Johl
City Clerk