

**STAFF REPORT – PLANNING
CITY OF TEMECULA
PLANNING COMMISSION**

TO: Planning Commission Chairperson and members of the Planning Commission

FROM: Matt Peters, Director of Community Development

DATE OF MEETING: October 1, 2025

PREPARED BY: Mark Collins, Senior Planner

PROJECT SUMMARY: Long Range Planning Project Number LR24-0090, Amending Titles 5, 8 and 17 of the Temecula Municipal Code as detailed in the proposed Ordinance attached here as Exhibit A.

RECOMMENDATION: Adopt a Resolution recommending that the City Council adopt the proposed Ordinance.

CEQA: Categorically Exempt
Section 15060(c)(2); and
Section 15061 (b)(3)

BACKGROUND SUMMARY

The City of Temecula City Council adopted the Municipal Code in January 1990. Since its adoption, the City Council has periodically made amendments to various sections of the Code to improve its clarity, implement state law, and to make necessary corrections or changes. The proposed amendments to the Temecula Municipal Code include amendments to Title 5 (Business Licenses and Regulations), Title 8 (Health and Safety), and Title 17 (Zoning) to implement state law. Pursuant to Government Code Section 65800, the Planning Commission is required to review and make recommendations to the City Council regarding zoning regulations and amendments to Title 17 (Zoning) of the Temecula Municipal Code. Although not required to be reviewed by the Planning Commission the proposed amendments to Title 5 and 8 are included in the attached draft ordinance to provide additional information to the Planning Commission regarding the totality of the proposed changes.

In 1996, voters approved Proposition 215, establishing the ability for doctors to prescribe medical cannabis to patients and their primary caregivers. The National Institute on Drug Abuse defines medical cannabis as "using the whole, unprocessed marijuana plant or its basic extracts to treat symptoms of illness and other conditions." 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. For reference, SB 1186 became effective on January 1, 2024.

Based upon the aforementioned premise, SB 1186 seeks to remove these perceived barriers by preventing the City from adopting or enforcing any regulation that prohibits or unreasonably burdens medical cannabis patients, or primary caregivers, access to medical cannabis. This includes prohibiting unreasonable restrictions on the sale or delivery of medical cannabis.

SB 1186 limits local jurisdictions from prohibiting the physical presence of a non-storefront medicinal cannabis delivery service as well as the hours, frequency, or quantity of cannabis being delivered to medical cannabis patients or their primary caregiver to meet demand of medical cannabis patients within the City.

However, SB 1186 allows the City to impose reasonable regulations through the City's land use authority (zoning) and police powers that are not otherwise pre-empted by state law. Therefore, the City can adopt and enforce reasonable regulations for the delivery of medicinal cannabis related to zoning, health & safety (security), licensing, tax, and other regulations consistent with regulations of the California Department of Cannabis Control (DCC).

The proposed Ordinance would implement the requirements of SB 1186, while at the same time ensuring such uses are limited in quantity and operated in a location and manner that will not impact the high quality of life enjoyed by Temecula Residents.

If the City does not update the Municipal Code to provide for the delivery of medicinal cannabis to qualified patients, it could expose the City to litigation as the City could be in violation of state law and/or be required to approve such businesses without any City regulations in place leaving only the requirements of State Law.

Listed below is a summary of the proposed changes to Title 5, 8 and 17 of the Municipal Code, each of which is discussed in greater detailed in the analysis section, which follows:

Changes Title 5 (Business Licenses and Regulations):

1. Chapter 5.26 (Medical Cannabis Delivery Service) – A new chapter would be added which implements an annual administrative permit for one such business within the Light Industrial Zoning District. This chapter would include location, facility, and operational requirements for the health and safety of surrounding persons and uses.

Changes Title 8 (Health and Safety):

2. Section 8.52.030 (Definitions) – Would add a definition for “Canopy Area,” “Medical Cannabis Delivery Service,” “Medical,” and “Medical Cannabis Delivery Permit” and make technical, non-substantive changes to other definitions to comply with state law.

3. Section 8.52.040 (Prohibitions on Commercial Marijuana Activity) – Would add an exemption from enforcement of this chapter for Non-Storefront Medical Cannabis Delivery Service.
4. Section 8.52.060 (Limited Exemption from Enforcement of Medical Marijuana) – Would amend the section to remove conflict with State Law regarding limitations and exemptions for specified medical cannabis activity.
5. Section 8.52.065 (Recreational Cannabis Exemption from Enforcement) – Would be added to create an exemption for recreational cannabis from enforcement action consistent with State Law.
6. Section 8.52.090 (Medical Cannabis Delivery Service) – Would implement an automatic repeal section or “sunset clause” that would automatically repeal the provisions allowed by this proposed Ordinance should the state mandate be rescinded or deemed invalid by a court of competent jurisdiction. Additionally contains location and site requirements for Medical Cannabis Delivery Service.

Changes to Title 17 (Zoning):

7. Table 17.06.030 (Use Regulations Residential Districts) – Would add “Medical Cannabis Delivery Service” as a nonpermitted use in all Residential Zoning Districts.
8. Table 17.08.030 (Schedule of Permitted Uses Commercial/Office/Industrial Districts) Add “Medical Cannabis Delivery Service” as a permitted use exclusively within the Light Industrial (LI) Zoning District, subject to the requirements of this code.

ANALYSIS

Outlined below is the explanation for the proposed amendments:

1. Medical Cannabis Delivery Service – Chapter 5.26

The proposed Ordinance would add Chapter 5.26, which proposes an annual administrative permit for the single Medical Cannabis Delivery Permit allowed to be active at any given time. This Chapter contains all aspects of permitting (first come first serve), renewing, operational standards, violations, inspections, revocations, etc. and is similar in its function to the Tobacco Shop or Massage Establishment Permit which have proven to be successful tools in regulating sensitive uses. Included within this chapter is an automatic repeal or “sunset” clause, which will automatically repeal the sections allowing such businesses should the state law be repealed or ruled invalid by a court of competent jurisdiction, without further action. Businesses in operation at time of repeal could exist until the expiration of their permit with no option to extend operations.

2. Definitions – Section 8.52.030

The proposed Ordinance would add definitions for “Canopy Area,” “Medical Cannabis Delivery Service,” and “Medical Cannabis Delivery Permit.” Additionally, the ordinance would add a definition for “Medical” to clarify that the terms “Medical” and “Medicinal” may be used interchangeably when referring to cannabis or marijuana.

3. Prohibitions on Commercial Marijuana Activity – Section 8.52.040

An exemption to the prohibition on Commercial Marijuana Activity for Medical Cannabis Delivery Service, as required by Business and Professions Code (BPC) §26320, would be added.

4. Limited Exemption from Enforcement of Medical Marijuana – Section 5.22.060

The proposed Ordinance would amend the existing “Limited Exemption from Enforcement of Medical Marijuana” section to remove reference to number of plants allowed and instead limit to one hundred (100) square feet of canopy area regardless of plant quantity, to include instances where more than one patient lives on site. Additionally, would remove the restriction of such activity in multi-family residential dwellings.

5. Recreational Cannabis Exemption from Enforcement – Section 5.22.065

The proposed Ordinance would add an exemption from enforcement for recreational cannabis grown at a private residence by a person 21 years of age or older and in full compliance with Health and Safety Code § 11362.1 and 11362.2. This is in conformance with state law.

6. Medical Cannabis Delivery Service – Section 8.52.090

This section would be added to include an automatic repeal or “sunset” clause, which will automatically repeal the sections allowing such businesses should the state law be repealed or ruled invalid by a court of competent jurisdiction, without further action. Additionally, would clarify the location requirements, to include separation distance from sensitive receptors and ensure no variance or exception is used to meet the standards governing all Medical Cannabis Delivery Service.

7. Schedule of Permitted Uses Residential Districts Medical Cannabis Delivery Service – Table 17.06.030

Would add Medical Cannabis Delivery Service as a nonpermitted use in all residential zoning districts.

8. Schedule of Permitted Uses Commercial/Office/Industrial Districts – Table 17.08.030

Would add Medical Cannabis Delivery Service as a permitted use exclusively within the Light Industrial (LI) Zoning District. The LI zoning district is appropriate for such

businesses as the business does not conduct on site sales and is least likely to be near sensitive receptors.

LEGAL NOTICING REQUIREMENTS

Notice of the public hearing was published in the *Press Enterprise* on September 10, 2025.

ENVIRONMENTAL DETERMINATION

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. A Notice of Exemption has been prepared and will be filed in accordance with CEQA and the State CEQA Guidelines.

- ATTACHMENTS:**
1. PC Resolution
 2. Exhibit A - Draft City Council Ordinance
 3. Notice of Public Hearing