



**AGENDA**  
**December 9, 2015 - 7:00 PM**  
**CITY OF CITRUS HEIGHTS**  
**PLANNING COMMISSION MEETING**  
**Community Center**  
**6300 Fountain Square Drive, Citrus Heights, CA**

**NOTE:** The Commission may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on the agenda. The Commission established a procedure for addressing the Commission. Speaker Identification Sheets are provided on the table inside the Council Chambers. If you wish to address the Commission during the meeting please complete a Speaker Identification Form and give it to the Commission Secretary. Those addressing the Commission are limited to five (5) minutes, unless extended by the Chair. The Chair may also reduce the allowed time if there is a lengthy Agenda or a large number of people wanting to address the Commission.

1. CALL MEETING TO ORDER

2. ROLL CALL

Commission Members: Blair, Cox, Dawson, DeCelle, Fox, Lagomarsino, Chair Doyle

3. FLAG SALUTE

4. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the audience may address the Commission on any item within the jurisdiction of the Commission or on any agenda item. If you wish to address the Commission, please fill out a speaker identification form and hand it to the Commission Secretary. When you are called upon to speak, step forward to the podium and state your name clearly for the record. Those wishing to speak on non-agenda items will be called upon at the beginning of the meeting. Those wishing to speak for or against an agenda item will be called upon at the beginning of the meeting. Those wishing to speak for or against an agenda item will be called upon after the presentation by the City Planning department and the Applicant for that agenda item.

5. CONSENT CALENDAR

a. None

6. PUBLIC HEARING

a. PHAT CHAD'S TAVERN - 8516 AUBURN BOULEVARD

The applicant is requesting approval of a Use Permit to allow the relocation of Phat Chad's Tavern from their current location at 8516 Auburn Boulevard to a larger space at 8489 Auburn Boulevard (K-Mart Plaza). Project Planner: Bermudez

Documents: [STAFF REPORT PHATCHADS.PDF](#), [ATT 1.PDF](#), [ATT 2.PDF](#), [EX A.PDF](#), [EX B.PDF](#), [EX C.PDF](#), [EX D.PDF](#)

b. ZONING CODE AMENDMENT

This is a request to amend the Zoning Code regarding medical marijuana cultivation within the City of Citrus Heights. Project Planner: McDuffee

Documents: [STAFF REPORT ZONING CODE AMENDMENT MEDICAL MARIJUANA CULTIVATION.REV1.PDF](#), [ATTACHMENTS AND EXHIBIT MED MARIJUANA ZONING CODE AMENDMENT.PDF](#)

7. REGULAR CALENDAR

a. ELECTION OF NEW OFFICERS FOR 2016

8. ADJOURNMENT

The agenda for this meeting of the Planning Commission for the City of Citrus Heights was posted at the sites listed below on or before the close of business at 5:00 p.m. on the Friday preceding the meeting.

City of Citrus Heights, 7927 Auburn Boulevard, Citrus Heights, CA  
Rusch Park Community Center, 7801 Auburn Boulevard, Citrus Heights, CA  
Sacramento County Library, Sylvan Oaks Branch, 6700 Auburn Boulevard, Citrus Heights, CA

Any writings or documents provided to a majority of the City of Citrus Heights Planning Commission regarding any item on this agenda will be made available for public inspection at City Hall located at 7927 Auburn Boulevard, Citrus Heights, CA.

If you need a disability-related modification or accommodation, including auxiliary aids or services to participate in this meeting, please contact Karen Ramsay at 916-727-4742, at least 2 days prior to the meeting.

*Pursuant to Sections 65009 (b) (2), of the State Government Code "If you challenge any of the above projects in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the city Planning Commission at or prior to, this public hearing".*



**CITY OF CITRUS HEIGHTS  
PLANNING DIVISION STAFF REPORT  
PLANNING COMMISSION MEETING**

**December 9, 2015**

Prepared by: Alison Bermudez, Associate Planner

**REQUEST**

The applicant requests approval of a Use Permit to allow the relocation of an existing tavern.

Applicant: Phat Chad's  
Chad Vitale  
8516 Auburn Boulevard  
Citrus Heights, CA 95610

Property Owner: Mike Black  
19520 Bainter Way  
Los Gatos, CA 95030

**SUMMARY RECOMMENDATION**

The Planning Division recommends that the Planning Commission:

- A. Find the project Categorically Exempt from CEQA as a minor alteration to an existing facility.
- B. Approve a USE PERMIT for to allow the relocation of an existing tavern, subject to the findings and conditions of approval listed in the staff report.

**BACKGROUND**

The site is located on the west side of Auburn Boulevard at the northern Citrus Heights/Sacramento County boundary line. The project is within the K-Mart Shopping Center just south of I-80 and the Auburn Boulevard interchange. The property is zoned Special Planning Area - Auburn Boulevard (SPA). The General Plan designation is General Commercial.

The project setting is summarized below:

<b>Location:</b>	8489 Auburn Boulevard
<b>File Number:</b>	UP-15-04
<b>Parcel Number:</b>	204-0610-019
<b>REACH Neighborhood:</b>	The project is within the boundaries of the Rusch Park Neighborhood Association (#4) and adjacent to the Sunrise Ranch Neighborhood Association (#6) and both associations were notified of the proposed project

Currently Phat Chad's Tavern operates at 8516 Auburn Boulevard and is requesting to move to a new space located within the shopping center at 8489 Auburn Boulevard, across the street from the current location. The location at 8516 Auburn Boulevard has been in operation for over 30 years and has been operated by the applicant since 2005. Phat Chad's currently operates without a Use Permit and is considered a legal non-conforming use since it opened prior to the

requirement of Use Permits for bars/taverns. The legal non-conforming status may not be transferred to new locations; therefore the approval of a Use Permit is required.

Phat Chad's currently holds a type 48 alcohol license (beer/wine/distilled spirits) from the Department of Alcoholic Beverage Control (ABC). In order for the applicant to transfer the license to the new location, a letter of Public Convenience and Necessity (PCN) is required. ABC requires an applicant to obtain a letter of "public convenience and necessity" when areas are deemed "over concentrated" by ABC standards. Over concentration is based on the number of existing licenses within each census tract with a maximum number assigned per tract. The City's Municipal Code requires PCN's to be issued by the City Council. A hearing before the City Council is scheduled for January 2016. In order for this project to move forward, approval of both the Use Permit and the PCN are required.

### **ZONING AND LAND USES**

<b>LOCATION</b>	<b>ZONING</b>	<b>GENERAL PLAN LAND USE</b>	<b>ACTUAL USE OF PROPERTY</b>
<b>On-Site</b>	Special Planning Area Auburn Blvd Specific Plan Area – Gateway District	General Commercial	Mixed Retail (K-Mart, Smart & Final, Gold's Gym)
<b>North</b>	Commercial (Outside City Limits)	Outside City Limits	Gas Station
<b>South</b>	Residential & Special Planning Area Auburn Blvd Specific Plan Area – L40	Medium Density Residential/General Commercial	Condominiums/H arris Gas
<b>East</b>	Special Planning Area Auburn Blvd Specific Plan Area – Gateway)	General Commercial	Mixed Retail (Subway, Convenience Store, Coffee Kiosk)
<b>West</b>	Residential	Medium Density Residential	Condominiums

### **PROJECT DESCRIPTION**

The project is to allow an existing tavern, Phat Chad's, to open at 8489 Auburn Boulevard which is within the K-Mart Center. The Center is located along the west side of Auburn Boulevard at the northern Citrus Heights/Sacramento County boundary line. Phat Chad's currently operates at 8516 Auburn Boulevard which is across the street from the proposed location. This new location is larger and is approximately 3,000 square feet.

As described in Exhibit A, Phat Chad's is a regionally known tavern with a focus on the game of darts and the new space will allow the placement of additional dart boards and the ability to host larger dart tournaments. The bar is open 7 days a week, 6:00 am to 2:00 am and is staffed by the owner and four part-time bartenders.

The new space will also provide an outdoor patio in the back that patrons can use for a smoking area. The current location does not offer a smoking area and patrons tend to gather outside the front door for smoking which is not a favorable location.

The Citrus Heights Zoning Code requires approval of a Use Permit to operate a bar/tavern. The information below is provided to analyze the request.

### **Use Permit – Analysis of Request**

Section 106.62.050 of the Zoning Code requires that findings be made by the Planning Commission in order to approve Use Permit. The required findings are listed below in ***bold italics*** and are followed by an evaluation of the applicant's request in relation to the required findings.

- ***The proposed use as a bar/tavern is allowed within the Auburn Boulevard Specific Plan area and complies with all other applicable provision of the Zoning Code and the Municipal Code;***
- ***The proposed use as a bar/tavern is consistent with the General Plan;***

The project site is located in the Auburn Boulevard Special Planning Area and a bar/tavern is a conditional use within this zoning district. The project site is designated General Commercial (GC) by the General Plan; bars/taverns are permitted in the GC zoning designation.

The project site is within the Gateway District of the Auburn Boulevard Special Planning Area (ABSP). The ABSP describes this section of the boulevard as a retail center with regional access from I-80. The project is located within an existing large retail center with two anchor tenants, K-Mart and Smart & Final Extra, along with a large fitness center, Gold's Gym. Phat Chad's would occupy an existing empty tenant space within the center.

The Zoning Code regulates the location of alcohol establishments by providing a separation distance from "sensitive" uses (parks, schools, churches, etc.) In searching the area, no sensitive uses were discovered.

The project meets the requirements of the Zoning Code as discussed above; therefore staff believes the above listed findings can be met.

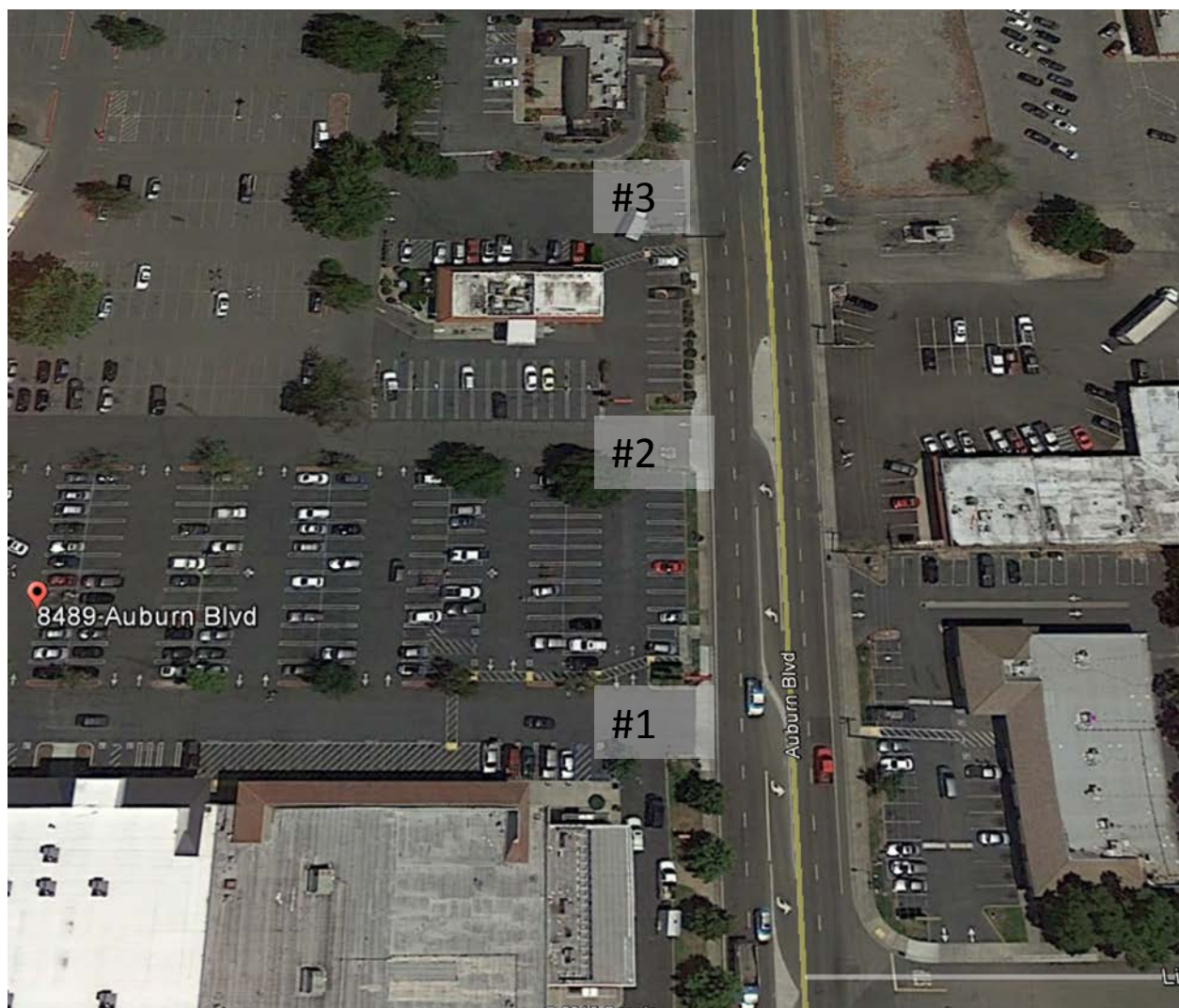
- ***The design, location, size, and operating characteristics of the bar/tavern are compatible with the existing and future land uses in the vicinity;***
- ***The site is physically suitable for a bar/tavern including access, utility, and the absence of physical constraints;***
- ***Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to person, property, or improvements in the vicinity and the zoning district in which the property is located.***

The applicant proposes to occupy an existing 3,000 square foot vacant tenant space, a bigger location than its current location across the street. Phat Chad's is a destination as it's very popular in the dart community. The new location will have approximately nine dart boards that

are used for team play, recreational play, and for dart tournaments. Even though darts is the main focus, the tavern offers a variety of other entertainment including pool tables, shuffleboard, video games, and sports TV channels. While there is a juke box, live entertainment and music are not part of the venue.

The project is located within a segment of Auburn Boulevard that is within the City's Auburn Boulevard Complete Streets Revitalization Project area. The Complete Streets Project is the City's ongoing effort to promote and improve safety in the area and encourage economic development and revitalize the aging Auburn Boulevard commercial corridor. As part of that project, a traffic signal is expected to be placed in front retail center to assist traffic ingressing and egressing the site. The current project design depicts a widened and signalized entrance at driveway #2, the closure of driveway #1 and the installation of center medians at driveway #3. These road improvements are anticipated to begin in 2020.

The retail center has direct access from Auburn Boulevard as shown in the photo below. Vehicles traveling southbound have direct access into the center through one of the center's three driveways (labeled #1, #2, #3 below). Northbound vehicles would typically enter into the center through driveway #2 using the divided center median. As an alternative, northbound vehicles could also enter the center using driveway #3. Vehicles exiting for southbound travel have direct access to make right-hand turns. Vehicles exiting the center to travel northbound have two options- make a right hand turn onto Auburn Boulevard and then a U-turn at Linden or exit using driveway #3 and enter into the center travel lane and wait for traffic to clear.





Concern has been expressed (Attachment 2) that the relocation of Phat Chad's to this center will increase traffic and impact parking. Staff does not believe the project will impact traffic in/out of the center due to the fact that taverns are not considered a generator of high amounts of traffic. The retail center has a large parking field and the reuse of the existing tenant space will not impact the parking available.

The applicant proposes to an outdoor covered patio area at the rear of the building. This new patio will be enclosed with decorative iron fencing and a have pitched roof made of metal to blend with the existing center. The patio will allow patrons a place to smoke and socialize away from the entrance into the business. To alleviate staff's concerns about the potential for noise coming from the site, the project has been conditioned that all events must be held indoors and be in compliance with the City's Noise Ordinance (Condition 13).

The tavern's bartenders currently serve as security for the establishment and will continue to serve as security in the new location. During dart tournaments or other events of large crowds a security team is brought in to assist and help ensure the environment is controlled. The Police Department has reviewed calls for service to the existing Phat Chad's location (8516 Auburn Boulevard) and did not find that an excessive number of calls have been received therefore support this continued approach. It should be noted that the project is conditioned (Condition 5) that if the establishment becomes an impact to police services the City has the ability to require additional security measures. Based upon positive operational history of the existing establishment, the information submitted by the applicant, and the imposition of the proposed conditions of approval, the Police Department does not object to the project.

### **PUBLIC OUTREACH**

A public hearing notice for the proposed project was published in a general circulating newspaper and mailed to property owners within 500 feet of the project boundaries.

The Rusch Park Neighborhood Association (Area 2) and the Sunrise Ranch Neighborhood Association (Area 6) were notified of the project and as of the writing of this report, no objections have been received.

### **Use Permit - Conclusion**

The findings required to approve a Use Permit were provided in the prior section. These findings were followed by an evaluation of the applicant's request in relation to the required findings. Staff believes that as currently proposed and conditioned, the findings are present to approve the Use Permit. Staff therefore recommends that the Planning Commission approve the Use Permit, subject to the findings and conditions of approval contained in the staff report.

### **ENVIRONMENTAL DETERMINATION**

This project is Categorically Exempt from the requirements of the California Environmental Quality Act under Section 15301 – Existing Facilities.

## **RECOMMENDATION**

The Planning Division recommends that the Planning Commission take the following action:

- A. Find the project Categorically Exempt from CEQA as a minor alteration to an existing facility.
- B. Approve a USE PERMIT for to allow the relocation of an existing tavern, subject to the findings and conditions of approval listed in the staff report.

### **FINDINGS – PHAT CHAD’S USE PERMIT (FILE # UP-15-04)**

- *The proposed use as a bar/tavern is allowed within the Auburn Boulevard Special Planning Area and complies with all other applicable provision of the Zoning Code and the Municipal Code;*
- *The proposed use as a bar/tavern is consistent with the General Plan;*
- *The design, location, size, and operating characteristics of the bar/tavern are compatible with the existing and future land uses in the vicinity;*
- *The site is physically suitable for a bar/tavern including access, utility, and the absence of physical constraints;*
- *Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to person, property, or improvements in the vicinity and the zoning district in which the property is located.*

### **CONDITIONS OF APPROVAL – PHAT CHAD’S (FILE # UP-15-04)**

#### **General Conditions**

1. The applicant shall comply with all City of Citrus Heights Codes and Regulations, including but not limited to the Citrus Heights Municipal Code and Zoning Code, Uniform Building Code; Uniform Fire Code and Sacramento County Environmental Health Department standards.
2. The applicant shall comply with all conditions of the CA State Department of Alcoholic Beverage Control (ABC) including the use of the outdoor patio. Alcoholic beverages may only be consumed within the patio area if the area meets the requirements established by ABC.
3. The development approved by this action is operation of a bar/tavern operated in compliance as described within this staff report and in Exhibit A. The conditions of the Use Permit shall remain in force, even through the change of ownership. If at any time the establishment changes its mode or character of operation, a modification to the Use Permit may be required. (Planning)
4. A copy of the approved Use Permit and the conditions shall be kept on site and presented to law enforcement upon request. (Police)



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**Operational Conditions**

5. The Police Chief, in consultation with the Community and Economic Development Director, has the authority to require security personnel by issuance of written notice should the Police Chief believe the conditions warrant such a modification. (Police, Planning)
6. All employees shall be made aware of all conditions of approval, including all City and ABC-imposed conditions regarding the consumption of alcoholic beverages. (Planning, Police)
7. A copy of the approved Use Permit and the conditions shall be kept on site and presented to law enforcement upon request. (Police)
8. Loitering is prohibited on the sidewalks and streets surrounding the business after it is closed. (Police)
9. The establishment shall operate in compliance with the City's noise regulations.
10. The facility door(s), including door to the outdoor patio, shall be kept closed at all times during the operation of the premises except cases of emergency, to permit deliveries and to permit entry/exit. Said door(s) shall not consist solely of a screen or ventilated security door. (Planning/Police)
11. There shall be no outside speakers on the exterior of the premise. (Planning/Police)
12. The patio may only be used for smoking and socializing and no music of any kind (acoustical, live, recorded, etc.) shall be played outside. The patio shall not be used for any outdoor events including dart tournaments, unless approval of a Temporary Use Permit is obtained in advance.

**Facility Conditions**

13. Trash receptacles shall be placed inside and outside the establishment. All trash and recyclable materials shall be kept in orderly condition. (Planning)
14. All evidence of graffiti shall be removed within 48 hours and the exterior finishes of the building restored to its original appearance. (Planning)
15. The site shall maintain all exterior lighting in good working order. Should any new light fixtures be installed, they shall be designed to minimize off-site light and glare and receive approval of the Planning Department. (Police, Planning)
16. Any violation of these conditions of approval is strictly prohibited. Any violations could result in the revocation or modification of the use permit and/or the imposition of fines and penalties as allowed by the Municipal Code. (Planning)
17. Minor modifications to the Use Permit may be approved by the Community and Economic Development Director, with the concurrence of the Police Chief, provided such changes are consistent with the operations of the facility as described herein. Major modifications to the Use Permit will require Planning Commission approval. (Planning)

18. The applicant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this Permit challenging the validity of the Agreement or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Agreement. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein. (City Attorney)

### **ALTERNATIVE ACTIONS**

The following alternative actions are available to the Planning Commission:

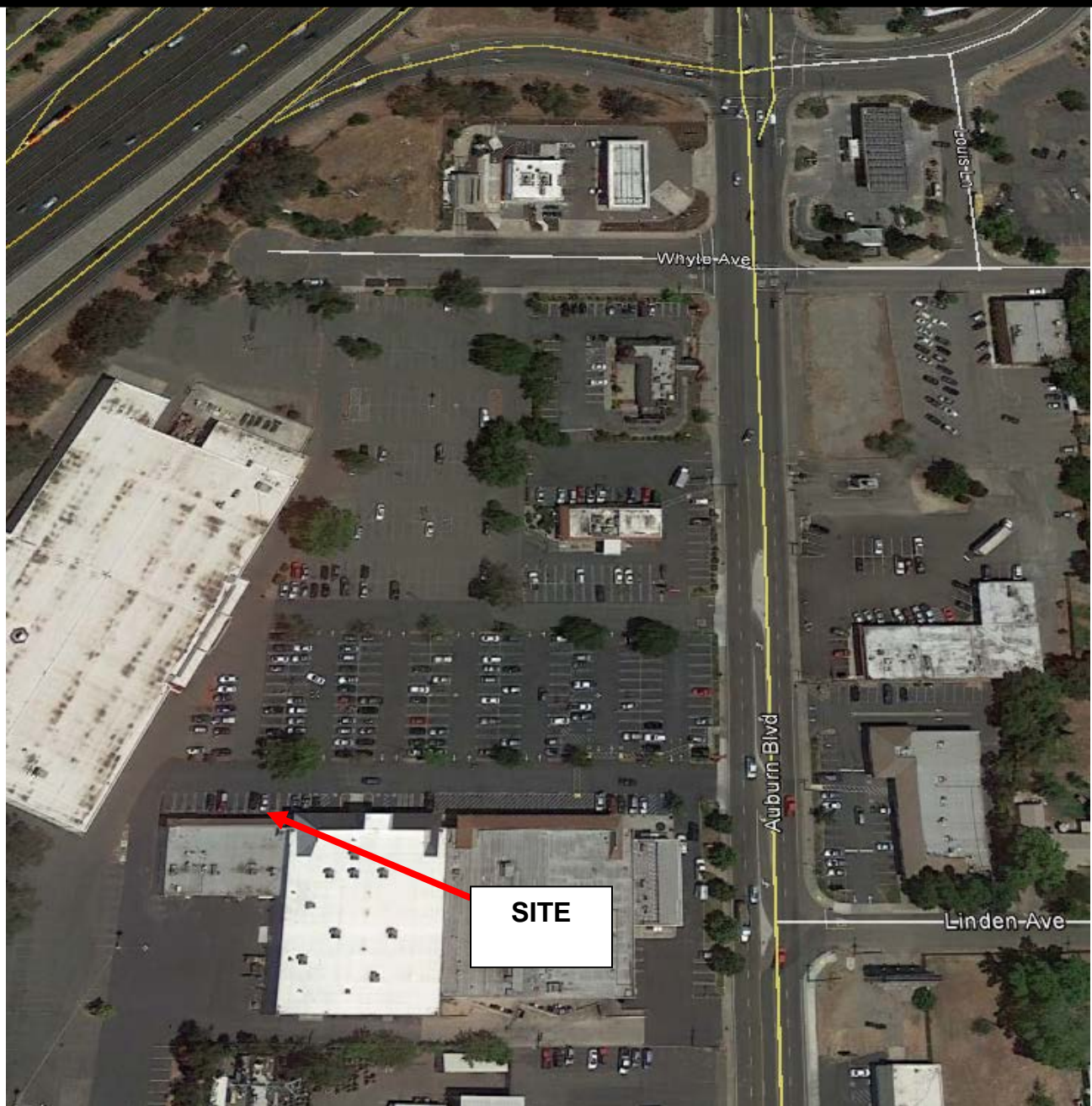
1. Continue the request, if the Commission has additional concerns that cannot be addressed by amending or adding conditions, or if the Commission desires additional information.
2. Deny the request if the Commission cannot find that the proposal is consistent with the findings of Section 106.62.050 of the Citrus Heights Zoning Code.

### **Attachments:**

1. Vicinity Map
2. Email comment

### **Exhibits:**

- A. Project Description
- B. Site Plan
- C. Exterior Elevation including outdoor patio area
- D. Interior Layout



North

## CITY OF CITRUS HEIGHTS

Phat Chad's  
8489 Auburn Boulevard  
File #UP-15-04

Scale: None

Attachment 1

**Bermudez, Alison**

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**Subject:**

FW: Phat Chads

Alison Bermudez

I believe that this would not be a good location for Phat Chads to move to.

I believe that this location would severely impact the parking lot situation that is already bad as well as parking lot entrances and exits with south bound Auburn Blvd. The possibility of an increase of accidents should be considered. I remember a time before that area of Auburn Blvd was divided and the accidents and near accidents that have been reduced in number will rise again.

Thanks for listening  
Keith Altom  
Twin Oaks Ave

## EXHIBIT A

October 7, 2015

To Whom it may concern

Phat Chad's Tavern has been located in Citrus Heights since June 2005. We are a small 1700 foot bar currently located at 8516 Auburn Blvd. We are known as a dive bar on the strip, a smaller venue where locals hang out. Hours of operation are everyday 6am-2am and closed on the big holidays. Our client base is mostly blue collar workers and regulars during the day time, with a very strong pull for darts in the evening. We pushed to fill a niche of darts in the earlier years and over the last 10 years have become known as "The Dart Bar" in the greater Sacramento Area. We host very large events that draw customer from all over the US. Events like these we open up an external beer garden just to handle the abundance of players. Our weekends typically involve random dart tournaments, gatherings for local sporting events, karaoke and any other reason for our group to get together and just have a good time. Phat Chads is a very peaceful establishment, with seldom need for security. We bring in a few security personnel on big events, but mainly rely on an eight camera surveillance system with two outside cameras. We have successfully grown our customer base annually to a point where more room is needed.

We are looking to relocate across the street to 8489 Auburn Blvd, right next door to the Golds Gym. This center seems to be making a lot of aesthetic changes which we believe will favor us in the future. Mike Black has offered us a great lease for the location opening us up to roughly 3000 sq feet and the option for a covered patio that you will see in our plans. The extra space will allow us to pursue our dart business expanding into steel tip and possibly multiple soft tip dart based leagues. We will also be able to add a pool table and shuffle board table to expand a few more options to regulars and walk in customers. With expansion we hope to keep a very friendly atmosphere but will be bringing in security personnel on big weekends and events. We will also be looking to potentially add a small food service in the future, similar to the self-contained food units you'd find at the Corner Pocket Sports Bar. This will allow us to offer bar snacks and food promotions during sporting events.

Phat Chads over the last 10 years has become a great bar in Citrus Heights. We hope with the city's permission to expand that we can continue to grow our business and customer base offering a great and fun bar atmosphere for locals.

## Noise Ordinance

Upon relocation we will be located roughly 250 feet from the closest apartment of the apartment complex. Currently we are only 100 feet from a neighboring house. We have a good relationship with them and bartenders are aware that at 10pm doors need to be shut to muffle the external jukebox noise. The same procedures will be followed and enforced with the new location. We will also have security at the new location which will help us keep doors closed and patrons from loitering in the entry ways which will let noise out as well. Security will be not only onsite for our customers but also for any parking lot vandalism etc.

## Outdoor Patio

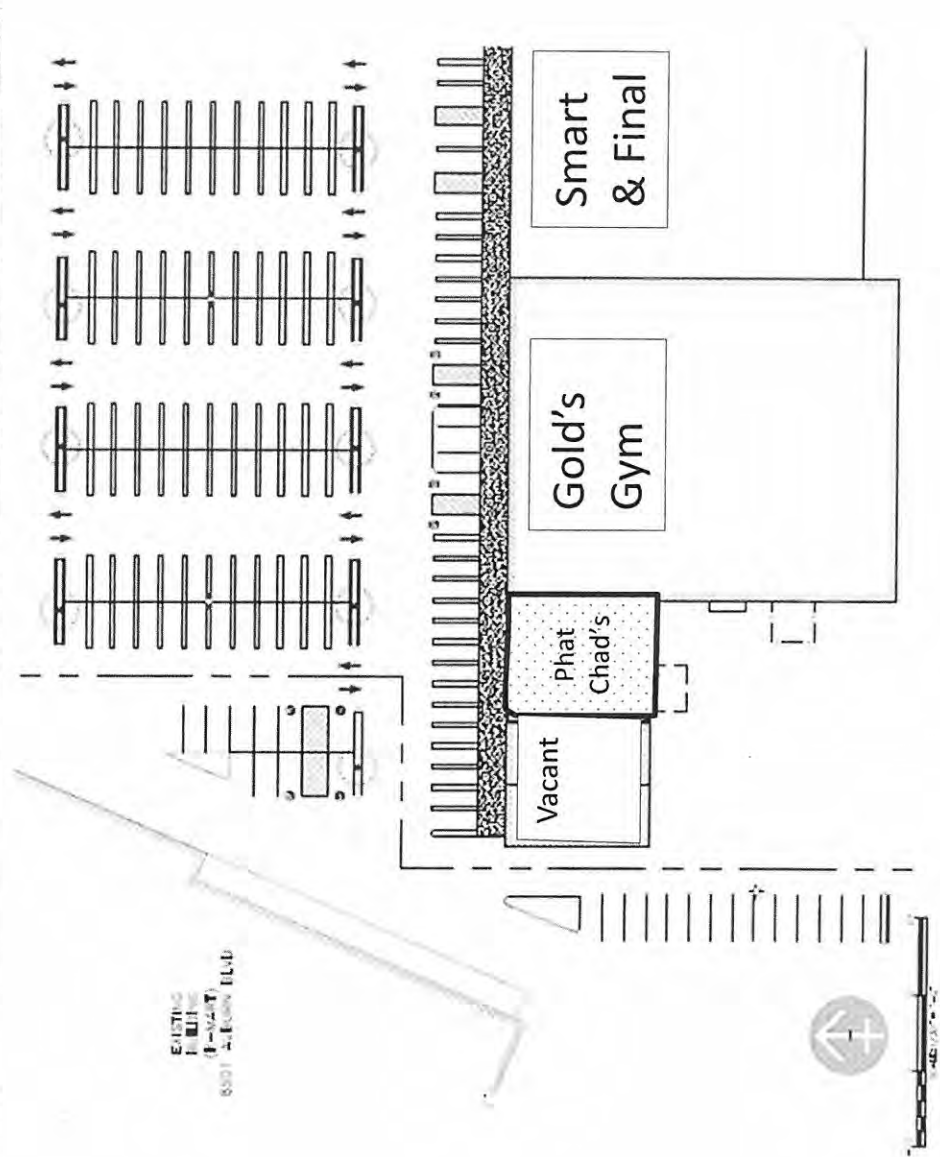
The projected outdoor patio will be primarily a location for customers to hang out and be able to smoke while enjoying a beverage. We located the patio out the back of the building so that we do not disrupt the other tenants. The patio will be a huge bonus for current customers as right now they sit in front of the building to smoke and is somewhat of an eyesore. Currently the only use for behind the building is emergency exit for the Gym and Truck Traffic for Smart and Final, our patio is designed not to conflict with either of these. With the expansion and outdoor patio, our business will be large enough to hold our annual dart tourney without a beer garden. We do however hope to grow the event to still need an outdoor garden in the future and that would potential be an expansion off the patio in which we will address any city requirements at that time.



PROPOSED DESIGN FOR  
**PHAT CHADS TAVERN**  
8489 AUBURN BLVD.  
CITRUS HEIGHTS, CA 95610

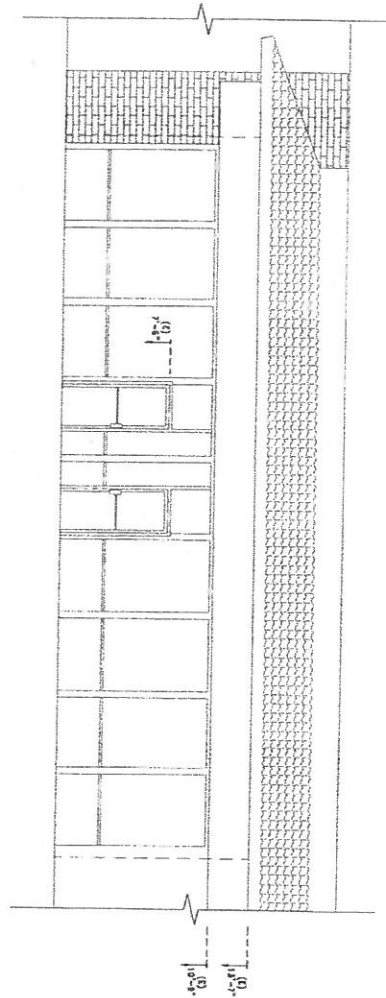
APN: 204-0610-023-0000

**SITE PLAN**



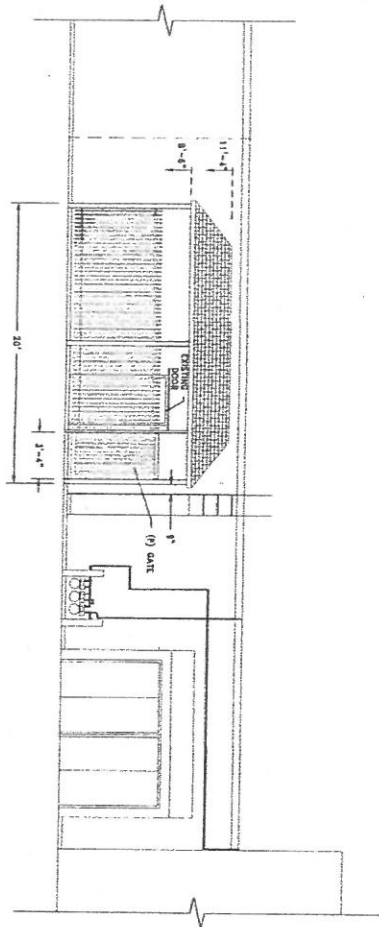


FRONT ELEVATION



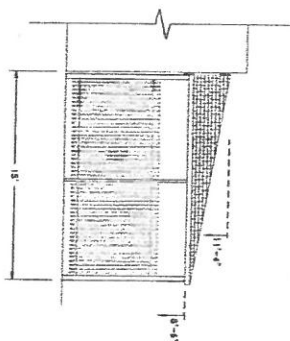
A

REAR ELEVATION



B

REAR/SIDE ELEVATION



C



OWNER:

PACHT CHAD  
ENTERTAINMENT  
PACHT CHAD TAVERN  
3333 AUBURN BLVD.  
CITY OF REDMOND, CA 95010

PROJECT TITLE:



PACHT CHAD TAVERN  
3333 AUBURN BLVD.  
CITY OF REDMOND, CA 95010

NO. DATE: DESCRIPTION

DESIGNED BY: CIVIL/ENV

MANAGED BY: CIVIL/ENV

DATE: AUGUST 2013

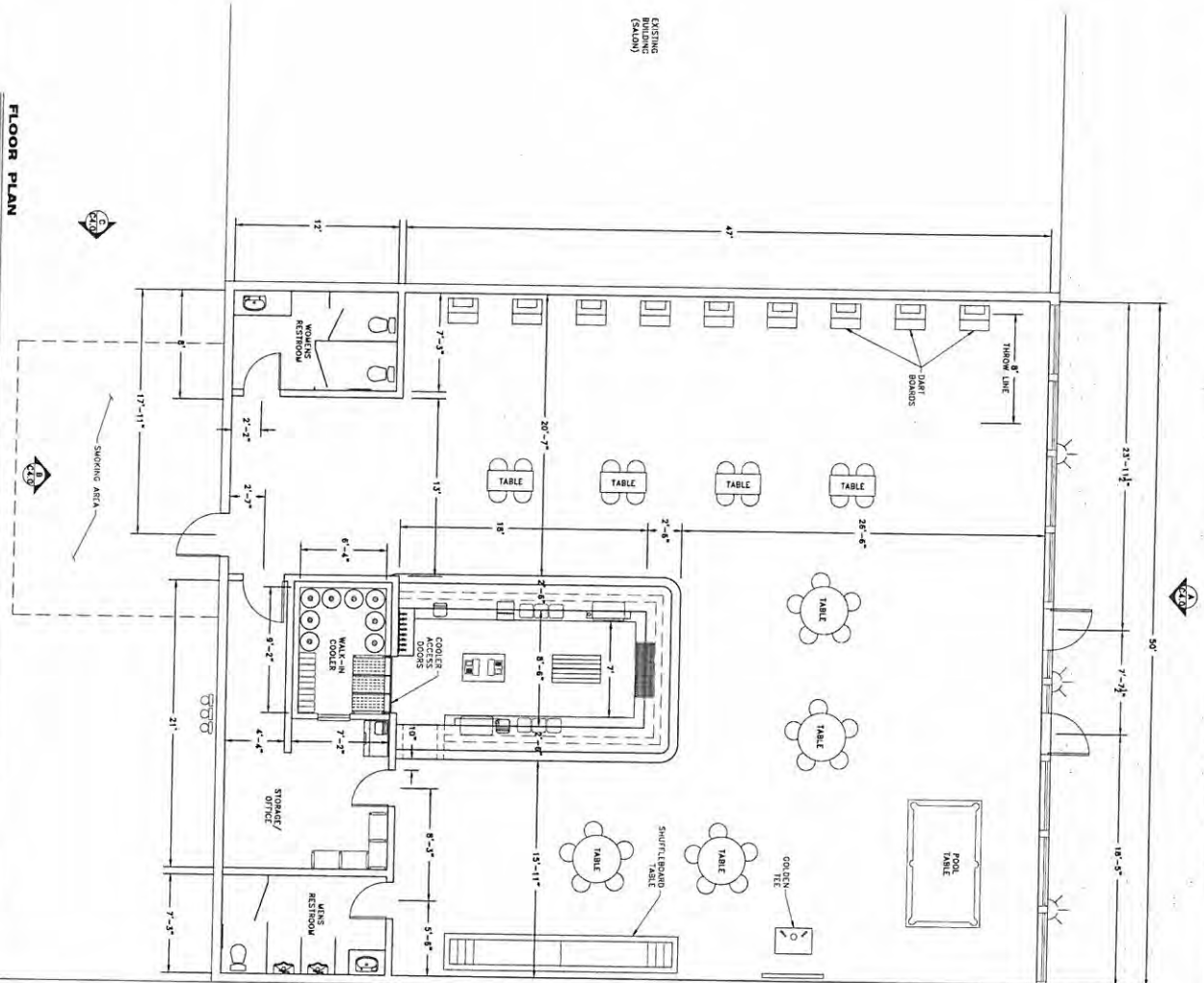
PROJECT NO.

SHEET TITLE:

EXTERIOR  
ELEVATIONS  
PLAN

C4.0  
6 SHEET  
OF 7

NOTES:  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE ORDINANCES.  
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.  
3. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN ON THESE PLANS.



FLOOR PLAN



OWNER:  
PHAT CHAO'S  
RESTAURANT  
PHAT CHAO'S  
XXX AUBURN BLVD  
CITRUS HEIGHTS, CA 95610

PROJECT TITLE:  
PHAT CHAO'S TAVERN  
XXX AUBURN BLVD  
CITRUS HEIGHTS, CA 95610

NO.	DATE	DESCRIPTION
1	NOVEMBER 2015	DESIGNED BY: DLK/CV
2	NOVEMBER 2015	MANAGED BY: CV
3	NOVEMBER 2015	PROJECT NO.
4	NOVEMBER 2015	SHEET TITLE

FLOOR PLAN

C2.0  
SHEET 2 OF 7

**CITY OF CITRUS HEIGHTS  
PLANNING DIVISION STAFF REPORT  
PLANNING COMMISSION MEETING**

**December 9, 2015**

Prepared by: Colleen McDuffee, Planning Manager

## REQUEST

The City of Citrus Heights is requesting approval of amendments to the Zoning Code regarding medical marijuana cultivation.

File Name & Number: Zoning Ordinance Amendment - Medical marijuana cultivation  
(File# OTA-15-06)

Applicant: City of Citrus Heights  
7927 Auburn Blvd.  
Citrus Heights, CA 95610

## SUMMARY RECOMMENDATION

Staff recommends approval of the following motion:

**MOTION 1:** MOVE TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE ATTACHED AMENDMENTS TO THE ZONING CODE REGARDING MEDICAL MARIJUANA CULTIVATION. THE PROPOSED AMENDMENTS ARE CONSISTENT WITH THE GENERAL PLAN AND WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE OR WELFARE OF THE CITY.

## Background

In 1996, California voters approved Proposition 215, also known as “The Compassionate Use Act of 1996”. The purpose of this Proposition was to enable persons who are in need of marijuana for specified medical purposes to obtain and use it under certain situations. In 2004, SB 420 was enacted to clarify implementation of Proposition 215.

In 2004, Citrus Heights adopted comprehensive regulations regarding medical marijuana. The regulations adopted by the City were found in two locations: the Zoning Code and Article 47 of the Municipal Code. These regulations allowed for one medical marijuana dispensary to locate in Citrus Heights, subject to numerous standards and criteria. Following adoption of these regulations, a Use Permit was approved for one medical marijuana dispensary - however, it never opened.

In 2012, the Zoning Code was amended to prohibit medical marijuana dispensaries.

In 2013, the Municipal Code was amended to allow, subject to certain standards, the cultivation of medical marijuana in residential zones. The regulations are contained in Article 5 of the Zoning Code (Attachment 1 ).

In 2014, the State legislature approved the Medical Marijuana Regulation and Safety Act (MMRSA); this Act was comprised of three bills - SB 643, AB 266, and AB 243. A summary of the MMRSA provided by the League of California Cities is provided as Attachment 2. The City will comprehensively review the requirements of the MMRSA in 2016. There is one item contained within this legislation that requires immediate action. AB 243 prohibits cultivation of medical marijuana without first obtaining both a local license/permit and a state license. However, if the City does not have land use regulations regulating or permitting the cultivation of marijuana in place by March 1, 2016, then the state is the sole licensing authority for medical marijuana cultivation. The item under consideration tonight is meant to ensure that the City has appropriate land use regulations in place by the March 1, 2016 deadline.

### **Proposed Changes to City Regulations**

Article 5 of the Municipal Code contains the City's existing regulations regarding medical marijuana cultivation. As contained within Article 5, medical marijuana cultivation is only allowed indoors and in residential zones (or commercial zones that contain an approved residential use). In order to ensure that we are fully consistent with the requirement of AB 243 to have land use regulations concerning medical marijuana cultivation, we are proposing amendments to the land use tables of the Zoning Code to specifically incorporate the City's existing regulations regarding medical marijuana cultivation. There are three proposed amendments to the Zoning Code:

1. Amendment to Table 2-2. Residential Land Use Table. The Residential Land Use Table would be amended to add a new land use, "medical marijuana cultivation". On the right hand side of the table, an "S" would be added that directs the reader to Article 5 of the Municipal Code.
2. Amendment to Table 2-5, Commercial Land Use Table. The Commercial Land Use Table would be amended to add a new land use, "medical marijuana cultivation". On the right hand side of the table, an "S" would be added that directs the reader to Article 5 of the Municipal Code.
3. Glossary. The following definition is proposed to be added in the Glossary:  
*"Medical Marijuana Cultivation. The planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof".*

The proposed amendments to the Zoning Code are attached in Exhibit A.

### **Environmental Determination**

This project is categorically exempt from CEQA (CEQA Guidelines Section 15061(b)(3)) under the general rule that the proposed amendments to the Zoning Ordinance do not have the potential to have a significant effect on the environment.

### **RECOMMENDATION**

The Planning Division recommends that the Planning Commission take the following action:

**MOTION 1:** MOVE TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE ATTACHED AMENDMENTS SHOWN IN EXHIBIT A MODIFYING THE MEDICAL MARIJUANA CULTIVATION PROVISIONS OF THE ZONING CODE. THE PROPOSED AMENDMENTS ARE CONSISTENT WITH THE GENERAL PLAN AND WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE OR WELFARE OF THE CITY.

Attachments:

1. Article 5 of the Municipal Code
2. Summary of Medical Marijuana Regulation and Safety Act

Exhibit:

- A. Proposed changes modifying the medical marijuana cultivation regulations of the Zoning Code
  - Table 2-2 – Residential Land Use Table
  - Table 2-5 – Commercial Land Use Table
  - Glossary

**Attachment 1****ARTICLE V. - MEDICAL MARIJUANA CULTIVATION****Sec. 50-700. - Purpose and findings.**

The city council adopts this chapter based on the following:

- (1) The purpose and intent of this article is to regulate the cultivation of medical marijuana in a manner that protects the health, safety and welfare of the community. This article is not intended to interfere with a qualified patient's right to medical marijuana, as provided for in California Health and Safety Code § 11362.5 or 11362.7 et seq., nor does it criminalize medical marijuana possession or cultivation by specifically defined classifications of persons, pursuant to state law. This article is not intended to give any person independent legal authority to grow medical marijuana; it is intended simply to impose restrictions on the cultivation of medical marijuana when cultivation is authorized by California state law for medical purposes.

Furthermore, it is the purpose and intent of this article to require that medical marijuana be cultivated only in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the general public; to provide for the health, safety and welfare of the public; to prevent odor created by medical marijuana plants from impacting adjacent properties; and to ensure that marijuana grown for medical purposes remains secure and does not find its way to non-patients or illicit markets.

Nothing in this article is intended to interfere with limited criminal defenses to violations of state law available to persons in possession of medical marijuana pursuant to Health and Safety Code § 11362.5 or 11362.7 et seq. Nothing in this article is intended to authorize the cultivation, possession, or use of marijuana for non-medical purposes in violation of state or federal law.

- (2) Findings.

- a. On November 5, 1996, the voters of the state of California approved Proposition 215, codified as Health and Safety Code § 11362.5 et seq. and entitled "The Compassionate Use Act of 1996" ("CUA" or "Act"). The intent of Proposition 215 was to enable persons who are in need of medical marijuana for specified medical purposes to obtain and use it under limited, specified circumstances, and provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes."
- b. In 2004, the California Legislature adopted Senate Bill 420, adding Article 2.5, "Medical Marijuana Program" to Division 10 of the California Health and Safety Code § 11362.7, et seq. ("Medical Marijuana Program Act", "MMPA" or "Program"). The MMPA was intended to clarify the scope of Proposition 215, and to provide for certain additional immunities from state marijuana laws. Health and Safety Code § 11362.83 also authorized cities and other local governing bodies to adopt and enforce rules and regulations consistent with the MMPA.
- c.

Prior to the enactment of this article, there were no regulations addressing cultivation of medical marijuana. Neither Proposition 215 nor Senate Bill 420, nor the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, August 2008, ("Guidelines") provide comprehensive civil regulation of premises used for marijuana cultivation.

- d. Neither the CUA nor the MMPA create a right to the unregulated cultivation of medical marijuana. The unregulated cultivation of medical marijuana can adversely affect the health, safety and well-being of the city and its residents. Comprehensive regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, smells and indoor electrical fire hazards that may result from unregulated medical marijuana cultivation, especially if the amount of medical marijuana cultivated on a single premises is not regulated and substantial amounts of medical marijuana can be cultivated in a concentrated place.
- e. The indoor cultivation of substantial amounts of medical marijuana also frequently requires excessive use of electricity, which often creates an unreasonable risk of fire from the electrical grow lighting systems used in indoor cultivation. Additionally, the cultivation of marijuana can harm the rental housing stock if marijuana is grown in large quantities indoors. The heat created by lighting and the moisture from watering plants indoors on permeable surfaces can damage walls, carpets and flooring.
- f. Children are particularly vulnerable to the effects of marijuana use, and the presence of medical marijuana plants may be an attractive nuisance for children, creating an unreasonable hazard. Cultivation of marijuana outdoors, where the marijuana plants may be observed by juveniles, therefore especially vulnerable to theft or recreational consumption by juveniles, is harmful to the residents of the city because the city is a family oriented community. Further, the potential for criminal activities associated with marijuana cultivation in outdoor locations poses heightened risks that juveniles will be involved or endangered, or that the premise will be the target of crime. Therefore, cultivation of any amount of marijuana in outdoor locations is especially hazardous to public safety and welfare, and to the protection of children and the person(s) cultivating the marijuana plants.
- g. As recognized in the guidelines, the cultivation or other concentration of medical marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.
- h. The limited right of qualified patients and their primary caregivers under state law to cultivate marijuana plants for medical purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this article, the city will achieve a significant reduction in the harms caused or threatened by the unregulated cultivation of marijuana.
- i. The city enacts the ordinance from which this article is derived to establish reasonable regulations upon the manner in which marijuana may be cultivated including restrictions on the amount of marijuana that may be cultivated in any location or premises, in order to protect the public health, safety, and welfare in the city.
- j.



California cities that allow the unregulated cultivation of marijuana have experienced crime associated with the cultivation, such as burglary, robbery, home invasion style robberies, and sale of other illegal narcotics in the area immediately surrounding the premises cultivating of marijuana. The unregulated cultivation of marijuana poses a threat to the public health, safety, and welfare of the residents that are located near properties where marijuana cultivation occurs. The Citrus Heights Police Department field numerous complaints each month during the marijuana grow season that relate to the powerful odor of marijuana plants. Residents who reside near the area where marijuana cultivation occurs, experience a reduced quality of life due to the noxious fumes of marijuana plants, the increased potential of violent crimes in the area near marijuana cultivation, and the increased potential of fire and/or chemical hazards associated with cultivation of marijuana.

- k. The limited right of qualified patients and their primary caregivers under state law to cultivate marijuana plants for medical purposes does not confer the right to create or maintain a public nuisance.
- l. Nothing in this article shall be construed to allow the use of marijuana for non-medical purposes, or to allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal under state or federal law.
- m. This article does not prohibit the cultivation of medical marijuana by qualified patients or primary caregivers. This article merely regulates and restricts locations and amounts of medical marijuana that may be grown on particular parcels.

(Ord. No. 2013-007, § 1, 7-11-2013)

Sec. 50-701. - Definitions.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates otherwise. If a word is not defined in this article, and not otherwise defined in state law, the common and ordinary meaning of the word shall apply.

*City* means the City of Citrus Heights.

*Cultivation* means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

*Fully enclosed and secure structure* means a space within a building that complies with the applicable building code, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material.

*Indoors* means inside a fully enclosed and secure structure or within a residential structure.

*Outdoors* means any location within the city that is not within a fully enclosed and secure structure.

*Person* means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation, collective, cooperative, or combination thereof in whatever form or character.

*Primary caregiver* means a "primary caregiver" as defined by Health and Safety Code § 11362.7.

*Qualified patient* means a "qualified patient" or "person with an identification card" as defined in Health and Safety Code § 11362.7.

*Residential structure* means a group of rooms (including sleeping, eating, cooking and sanitation facilities, but not more than one kitchen) which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household for a period in excess of 30 days.

*Solid fence* means a fence constructed of substantial material, such as wood or metal, that prevents viewing the contents from one side to the other side of the fence.

(Ord. No. 2013-007, § 1, 7-11-2013)

Sec. 50-702. - Cultivation of medical marijuana.

The following regulations shall apply to the cultivation of medical marijuana within the city:

- (1) *Cultivation not in compliance with this article.* It is declared to be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any parcel or premises within any zoning district in the city to cultivate medical marijuana except as provided for in this Code. No person other than a qualified patient or primary caregiver may engage in the cultivation of marijuana.
- (2) *Outdoor cultivation.* It is unlawful and a public nuisance for any person owning, leasing, occupying, or having possession of any legal parcel or premises within any zoning district in the city to cause or allow such parcel or premises to be used for the outdoor cultivation of medical marijuana.
- (3) *Indoor cultivation.* Indoor cultivation of medical marijuana is prohibited in all zoning districts of the city, except for residential zones or in commercial zones, when such cultivation occurs on a parcel or premises with an approved residential development. All cultivation must be in compliance with this article.
- (4) *Indoor cultivation in residential uses.* The indoor cultivation of medical marijuana in a residential zone or in a commercial zone on a parcel or premises with an approved residential development, shall only be conducted within a fully enclosed and secure structure or within a residential structure. Such cultivation shall be in conformance with the following minimum standards:
  - a. Any fully enclosed and secure structure, regardless of square footage, constructed, altered or used for the cultivation of medical marijuana must have a valid building permit issued by the chief building official. The chief building official shall consult with the community and economic development director, planning manager and the chief of police or his/her designee, in consideration of any building permit for the construction or alteration of any fully enclosed structure or residential structure to be used for marijuana cultivation.
  - b. Either a qualified patient or a primary caregiver shall reside full time on the premises

- where the medical marijuana cultivation occurs.
- c. The primary use of the property shall be for a residence. Medical marijuana cultivation is prohibited as a home occupation.
  - d. All areas used for cultivation of medical marijuana shall comply with chapter 18 (Buildings and Building Regulations) of the Citrus Heights Municipal Code, as well as applicable law.
  - e. Indoor grow lights shall not exceed 1,200 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the city.
  - f. The use of gas products (CO<sub>2</sub>, butane, propane, natural gas, etc.) or generators for cultivation of marijuana is prohibited.
  - g. Any fully enclosed and secure structure or residential structure used for the cultivation of medical marijuana must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that shall comply with chapter 18 (Building and Building Regulations) of the Citrus Heights Municipal Code.
  - h. A fully enclosed and secure structure used for the cultivation of medical marijuana shall be located in the rear yard area of the parcel or premises, and must maintain a minimum ten-foot setback from any property line. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height. This provision shall not apply to cultivation occurring in garage.
  - i. Adequate mechanical locking or electronic security systems must be installed as part of the fully enclosed and secure structure or the residential structure prior to the commencement of cultivation.
  - j. Medical marijuana cultivation occurring inside a residential structure shall be in an area no larger than 50 square feet, regardless of how many qualified patients or primary caregivers reside at the premises.
  - k. Medical marijuana cultivation occurring inside a fully enclosed and secure structure shall not exceed 100 square feet, regardless of how many qualified patients or primary caregivers reside at the premises.
  - l. The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping and sanitation facilities with proper ingress and egress. These rooms shall not be used for medical marijuana cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing.
  - m. Cultivation of medical marijuana shall only take place on impervious surfaces.
  - n. From a public right of way, there shall be no exterior evidence of medical marijuana cultivation occurring on the parcel.
  - o. Medical marijuana cultivation shall not occur in both a fully enclosed and secure structure and a residential structure on the same parcel.
  - p. Medical marijuana cultivation area, whether in a fully enclosed and secure structure or inside a residential structure, shall not be accessible to persons under 18 years of age.
  - q. Written consent of the property owner to cultivate medical marijuana within the residential structure shall be obtained and shall be kept on the premises, and available for inspection by the chief of police or his/her designee.
  - r.

A portable fire extinguisher, that complies with the regulations and standards adopted by the state fire marshal and applicable law, shall be kept in the fully enclosed and secure structure used for cultivation of medical marijuana. If cultivation occurs in a residential structure, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs.

(Ord. No. 2013-007, § 1, 7-11-2013)

Sec. 50-703. - Public nuisance.

Any use or condition caused or permitted to exist in violation of any of the provisions of this article is hereby declared a public nuisance and may be abated by the city.

(Ord. No. 2013-007, § 1, 7-11-2013)

Sec. 50-704. - Enforcement.

- (a) Violation of this article is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code.
- (b) Nothing in this article in any way limits any other remedies that may be available to the city, or any penalty that may be imposed by the city, for violations of this article. Such additional remedies, include, but are not limited to, injunctive relief or administrative citations.

(Ord. No. 2013-007, § 1, 7-11-2013)

### **Medical Marijuana Regulation and Safety Act**

**\*AB 243 (Wood). Medical Marijuana.**

This measure addresses the need for comprehensive regulation of the cultivation of medical marijuana in California, as one of three bills comprising the Medical Marijuana Regulation and Safety Act, by doing the following:

- Places the Department of Food and Agriculture (DFA) in charge of licensing and regulation of indoor and outdoor cultivation sites. Creates a Medical Cannabis Cultivation Program within the department;
- Mandates the Department of Pesticide Regulation (DPR) to develop standards for pesticides in marijuana cultivation, and maximum tolerances for pesticides and other foreign object residue;
- Mandates the Department of Public Health to develop standards for production and labelling of all edible medical cannabis products;
- Assigns joint responsibility to DFA, Department of Fish and Wildlife, and the State Water Resources Control Board (SWRCB) to prevent illegal water diversion associated with marijuana cultivation from adversely affecting California fish population;
- Specifies that DPR, in consultation with SWRCB, is to develop regulations for application of pesticides in all cultivation;
- Specifies various types of cultivation licenses; and
- Directs the multi-agency task force headed by the Department of Fish and Wildlife and the SWRCB to expand its existing enforcement efforts to a statewide level to reduce adverse impacts of marijuana cultivation, including environmental impacts such as illegal discharge into waterways and poisoning of marine life and habitats.

**\*AB 266 (Bonta, Cooley, Jones-Sawyer, Lackey and Wood). Medical Marijuana.**

This measure establishes a comprehensive regulatory framework for medical marijuana in California that unconditionally upholds local control, protects public safety, and enhances patient safety. It is one of three bills comprising the Medical Marijuana Regulation and Safety Act. Specifically, this measure:

- Protects local control as it establishes a statewide regulatory scheme, headed by Bureau of Medical Marijuana Regulation (BMMR) within the Department of Consumer Affairs (DCA);
- Provides for dual licensing: state will issue licenses, and local governments will issue permits or licenses to operate marijuana businesses, according to local ordinances. State licenses will be issued beginning in January 2018;
- Terminates the ability of a business to operate in a jurisdiction that has revoked a local license or permit;
- Protects local licensing practices, zoning ordinances, and local constitutional police power;
- Caps total cultivation for a single licensee at four acres statewide, subject to local ordinances;



- Requires local jurisdictions that wish to prevent delivery services from operating within their borders to enact an ordinance affirmatively banning this activity. No specific operative date for the ban is specified;
- Specifies that DCA will issue the following licenses: Dispensary, Distributor, Transport, and Special Dispensary Status for licensees who have a maximum of three dispensaries. Specifies various sub-categories of licensees (indoor cultivation, outdoor cultivation, etc.);
- Limits cross-licensing to holding a single state license in up to two separate license categories, as specified. Prohibits medical marijuana licensees from also holding licenses to sell alcohol;
- Grandfathers in vertically integrated businesses (i.e. businesses that operate and control their own cultivation, manufacturing, and dispensing operations) if a local ordinance allowed or required such a business model and was enacted on or before July 1, 2015. Also requires such businesses to have operated in compliance with local ordinances, and to have been engaged in all the covered activities on July 1, 2015;
- Requires establishment of uniform health and safety standards, testing standards, and security requirements at dispensaries and during transport of the product;
- Specifies a standard for certification of testing labs, and specified minimum testing requirements. Prohibits testing lab operators from being licensees in any other category, and from holding a financial or ownership interest in any other category of licensed business;
- Includes a labor peace agreement under which unions agree not to engage in strikes, work stoppages, etc. and employers agree to provide unions reasonable access to employees for the purpose of organizing them. Specifies that such an agreement does not mandate a particular method of election;
- Provides for civil penalties for unlicensed activity, and specifies that applicable criminal penalties under existing law will continue to apply;
- Specifies that patients and primary caregivers are exempt from the state licensing requirement, and provides that their information is not to be disclosed and is confidential under the California Public Records Act;
- Phases out the existing model of marijuana cooperatives and collectives one year after DCA announces that state licensing has begun; and
- Preserves enforcement authority of the City of Los Angeles with respect to Measure D, the local regulatory structure for medical marijuana within the city limits.

**\*SB 643 (McGuire). Medical Marijuana**

This measure establishes critical criteria for state licensing of medical marijuana businesses in California, and regulates physician activity as one of three bills comprising the Medical Marijuana Regulation and Safety Act. Specifically, this measure:

- Directs California Medical Board to prioritize investigation of excessive recommendations by physicians;
- Imposes fines (\$5000) vs. physicians for violating prohibition against having a financial interest in a marijuana business;

- Provides that a recommendation for cannabis without a prior examination constitutes unprofessional conduct;
- Imposes restrictions on advertising for physician recommendations;
- Places Department of Food and Agriculture in charge of cultivation regulations and licensing, and requires a track and trace program;
- Codifies dual licensing (state license and local license or permit), and itemizes disqualifying felonies for state licensure;
- Places DPR in charge of pesticide regulation; DPH in charge of production and labelling of edibles; and
- Upholds local power to levy fees and taxes.

### **What Local Governments Need to Know About the Medical Marijuana Regulation and Safety Act**

This package of three bills establishes a statewide comprehensive regulatory structure for medical marijuana for the first time. It places the Department of Consumer Affairs in charge of licensing dispensaries and **it unconditionally protects local control**.

#### **Local control is protected in the following ways:**

- Dual licensing: A requirement in statute that all marijuana businesses must have both a state license, and a local license or permit, to operate legally in California. Jurisdictions that have a ban in place will not be effected, i.e. they will be able to retain their ban;
- Effect of local revocation of a permit or license: Revocation of a local license or permit unilaterally terminates the ability of a marijuana business to operate in that jurisdiction;
- Enforcement: Local governments may be able to enforce state law in addition to local ordinances, if they request that authority and if it is granted by the state agency; and
- State law penalties for unauthorized activity: Provides for civil penalties for unlicensed activity, and applicable criminal penalties under existing law will continue to apply.

#### **The three bills are:**

- AB 266 (Bonta, Cooley, Jones-Sawyer, Lackey and Wood): Contains the critical local control provisions, and the most of the core provisions of the regulatory structure;
- AB 243 (Wood): Regulates marijuana cultivation, and provides a regulatory structure specifically to address environmental impacts; and
- SB 643 (McGuire): Contains critical provisions on criteria for state licensing, including disqualifying felonies; regulates physicians making medical marijuana recommendations; and requires a digital seed-to-sale or track-and-trace program for marijuana, similar to that employed for agricultural products.



The timeline for state licensing to begin is not specified in the bills, but the Department of Consumer Affairs estimates it will be ready to begin issuing state licenses in January 2018.

Local dispensaries and related businesses should be operating in compliance with local ordinances in the interim. Businesses operating in compliance with local ordinances will get priority in the state licensing application process.

\*\*\*Jurisdictions that currently ban, or that may wish to ban, deliveries or mobile dispensaries should be aware that under this legislation, they will need to have an ordinance in place that affirmatively prohibits this activity.

**Residential and Open Space Zoning Districts Table**

LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	RD-1 - 2	RD-3 - 4	RD-5 - 7	RD-10	RD-15 - 30	MH	O	

P Permitted use, Zoning Clearance required  
MUP Conditional use, Minor Use Permit required  
UP Conditional use, Use Permit required  
S Permit requirement set by Specific Use Regulations  
— Use not allowed

**AGRICULTURAL & OPEN SPACE USES**

Animal keeping	P	P	P	P	P	P	P	106.42.030
Beekeeping	P	P	P	—	—	—	P	106.42.030
Community garden	P	P	P	P	P	P	P	
Crop production, horticulture, orchard, vineyard	P	P	—	—	—	—	P	
<u>Medical marijuana cultivation</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>50-702</u>

**RECREATION, EDUCATION & PUBLIC ASSEMBLY USES**

Equestrian facility	UP	UP	—	—	—	—	UP	106.42.030
Golf course	UP	UP	—	—	—	—	P	
Meeting facility, public or private	UP	UP	UP	UP	UP	UP	—	
Park or playground, public	P	P	P	P	P	P	P	
Private residential recreation facility	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
School, elementary through secondary	UP	UP	UP	UP	UP	—	—	

**RESIDENTIAL USES**

Condominium conversion	—	—	UP	UP	UP	—	—	106.42.050, 060
Condominium, townhouse, row house, or cluster development	—	—	—	P	P	—	—	106.42.050
Duplex - Corner parcel	—	—	P	P	P	—	—	
Duplex - Interior parcel	—	—	UP	P	P	—	—	106.42.150
Home occupation	P	P	P	P	P	P	P	106.42.100
Mobile home park	UP	UP	UP	UP	UP	UP	—	106.42.140
Mobile/manufactured home	P	P	P	P	P	P	P	106.42.140
Multi-unit dwelling - 3 or more units	—	—	—	P	P	—	—	106.42.150
Residential accessory uses and structures	P	P	P	P	P	P	P	106.42.200
Residential care facility, 6 or fewer clients	P	P	P	P	P	P	P	
Residential care facility, 7 to 20 clients	UP	UP	UP	UP	P	—	—	
Residential care facility, 21 or more clients	—	—	—	UP	UP	—	—	
Rooming or boarding house	—	—	—	UP	UP	—	—	
Second dwelling unit	P	P	P	P	P	—	MUP	106.42.210
Single dwelling	P	P	P	P	P	P	MUP	106.42.220
Supportive/Transitional Housing, 6 or fewer clients	P	P	P	P	P	P	P	
Supportive/Transitional Housing, 7 or more clients	UP	UP	UP	UP	UP	—	—	

**RETAIL TRADE**

Accessory retail and services	—	—	—	MUP	MUP	MUP	—	
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**Key to Zone Symbols**

RD	Residential	O	Recreation/Open Space
MH	Mobile Home		

**Notes:**

(1) See Article 8 for land use definitions.



CITY OF CITRUS HEIGHTS MUNICIPAL CODE - TITLE 106 - ZONING CODE

Commercial Zoning Districts Table

**TABLE 2-5**  
**Allowed Land Uses and Permit Requirements**  
**for Commercial and Industrial Zoning Districts**

P Permitted Use, Zoning Clearance required  
MUP Conditional use, Minor Use Permit required  
UP Conditional use Permit required  
S Permit requirement set by Specific Use Regulations  
— Use not allowed

LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	BP	LC	SC	GC	AC	CR	MP	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING								
Contract construction service - Indoor	—	—	—	P	—	—	P	
Contract construction service - Outdoor storage	—	—	—	MUP	—	—	MUP	
Contract construction service - Outdoor work area	—	—	—	UP	—	—	UP	
Manufacturing/processing - Light	—	—	—	UP	—	—	P	
Manufacturing/processing - Medium intensity	—	—	—	—	—	—	—	
Manufacturing/processing - Heavy	—	—	—	—	—	—	—	
Medical marijuana cultivation	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	50-702
Recycling - Small collection facility	—	MUP	MUP	MUP	—	—	MUP	106.42.190
Storage - Outdoor	—	—	—	UP	—	—	UP	106.42.170
Storage - Personal storage facility (mini-storage)	—	UP	—	UP	—	—	MUP	
Storage - RVs, boats	—	—	—	UP	—	UP	—	
Storage - Warehouse, indoor storage	—	—	—	P	—	—	P	
Wholesaling and distribution	—	—	—	P	—	—	P	

**RECREATION, EDUCATION & PUBLIC ASSEMBLY USES**

Adult entertainment business	—	S	—	S	—	—	S	106.40
Bingo parlor	—	—	—	UP	—	—	—	10.81 - 10.100
Card room	—	—	UP	UP	—	—	—	10.26 - 10.54
Commercial recreation facility - Indoor	—	UP	UP	UP	—	MUP	UP	
Commercial recreation facility - Outdoor	C	—	—	UP	—	MUP	UP	
Conference/convention facility	UP	—	UP	UP	—	UP	—	
Fitness/health facility	UP	P	P	P	—	P	UP	
Golf Course	—	—	—	UP	—	MUP	UP	
Library, museum	P	P	P	P	—	—	—	
Meeting facility, public or private	UP	UP	UP	UP	—	—	UP	
Park, playground	P	P	P	P	—	P	UP	
School - College, university	UP	UP	UP	UP	—	—	—	
School - Elementary, middle, secondary	—	UP	UP	UP	—	—	—	
School - Specialized education/training - Minor	P	P	P	P	—	—	P	
School - Specialized education/training -Major	UP	UP	UP	UP	—	—	UP	
Sports and entertainment assembly facility	—	—	UP	MUP	—	MUP	MUP	
Studio - Art, dance, martial arts, music, etc.	S	P	P	P	—	—	S	106.26.030.C
Theater	—	—	MUP	MUP	—	MUP	—	

**Key to Zone Symbols**

<b>BP</b>	Business and Professional Office	<b>AC</b>	Auto Commercial
<b>LC</b>	Limited Commercial	<b>CR</b>	Commercial Recreation
<b>SC</b>	Shopping Center	<b>MP</b>	Industrial/Office Park
<b>GC</b>	General Commercial		

**Notes:**

(1) See Article 8 for land use definitions.

**ARTICLE 8**  
**Glossary**

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Chapter 106.80 - Definitions.....8-3

106.80.010 - Purpose .....8-3

106.80.020 - Definitions of Specialized Terms and Phrases .....8-3



**Map Act.** See "Subdivision Map Act."

**Masonry Wall.** A wall constructed of brick, concrete block, woodcrete, and/or similar materials, as allowed by this Zoning Code.

**Massage Therapy.** See Municipal Code Article VIII, Chapter 22 (Massage Establishments).

**Media Production.** Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types:

1. **Backlots/Outdoor Facilities.** Outdoor sets, backlots, and other outdoor facilities, including supporting indoor workshops and craft shops;
2. **Indoor Support Facilities.** Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.; and
3. **Soundstages.** Warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

**Median Income.** The annual area median income applicable to the County, adjusted for family size in compliance with adjustment factors adopted by the United States Department of Housing and Urban Development (HUD). In the event that HUD no longer establishes median income levels at the time of conveyance of a unit, the City will determine by resolution, by any other recognized method of computing median income, the median income for purposes of this Zoning Code. The determination by the City shall be final and non-appealable.

**Medical Marijuana Cultivation.** The planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.

**Medical Services – Clinic, or Urgent Care.** A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

- medical offices with four or more licensed practitioners and/or medical specialties
- out-patient care facilities
- urgent care facilities
- other allied health services

These facilities may also include accessory medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

**Medical Services - Doctor Office.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services - Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

**Medical Services - Extended Care.** Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

**Medical Services - Hospital.** Hospitals and similar facilities engaged primarily in providing in-patient diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, in-patient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses"), and on-site ambulance dispatch facilities.