Meeting Date: October 25, 2017
To: Chair and Planning Commission members
From: Development Services Department
Presentation By: Ed Palmeri, Senior Planner
Public Hearing: Public hearing and consideration of a Use Permit to allow operation of a substance abuse treatment facility and make a determination that the project is categorically exempt.
Project Location: The 5.46 acre project is located at 1252 Stabler Lane approximately 270 feet south of Butte House Road. Assessor’s Parcel Numbers 59-010-050 (Attachment 1).
Recommendation: Conduct a public hearing and take the following action:
1. Conduct a public hearing; and
2. Determine the project is categorically exempt pursuant to California Environmental Quality Act Section 15301.
3. Approve a Use Permit to allow operation of a substance abuse treatment facility located at 1252 Stabler Lane.

Project Proposal:
The project consists of the following components:

1. Use Permit (UP) 17-04: To permit a substance abuse treatment facility.

2. Environmental Assessment (EA) 17-08: An environmental assessment that the project is categorically exempt pursuant to California Environmental Quality Act Section 15301.

Project Information:
The applicant, Luminance Health Group Inc. (Luminance) is proposing an inpatient alcohol and drug abuse recovery center. The project site, located at 1251 Stabler Lane, consists of a 5.46 acre parcel on the east side of Stabler Lane, approximately 270 feet south of Butte House Road. The site is developed with a 51,000 square foot structure that formerly housed a psychiatric hospital, however it is currently vacant. The proposed facility will accommodate up to 70 co-ed clients with residential bedrooms with one to two clients per room.

Luminance currently operates substance abuse facilities in San Juan Capistrano and is looking to expand in Yuba City. The applicant provided a Project Description on August 19, 2017 and an Addendum to the Project Description dated September 5, 2017. Together, the documents
outline the project operations (Attachment 4). It should be noted that the applicant has indicated that the facility will employ approximately 100 people.

**Property Description:**

The existing facility was constructed in 1989 after receiving Planning Commission approval in 1988 as a psychiatric hospital. The complex is composed of a single-story structure that is approximately 51,000 square feet in area. There are several open areas, including a 3,800 square foot area that clients used for relaxation and a 20,000 square foot outdoor area that is enclosed 15 foot high masonry wall.

The existing structure exterior is finished in tan stucco. Several portions of the roof line are vaulted and are finished with tile roofing. All roof mounted equipment is shielded from view by a mansard roof. Windows are lightly trimmed and are flush with the stucco finish. The primary entrance is located on the west side of building and identified with a canopy. Other entrances into the building include a loading area on the south side and secured employee entrances on the north, east, and south side.

The site is landscaped with a variety of trees and shrubs. There is a landscaped area along Stabler Lane that ranges in depth from 22 to 38 feet. The landscape area is planted with various shrubs and trees; however the area lacks street trees. The lawn area, located along the northerly property line is approximately 80 feet in width at Stabler Lane and tapers down to 24 feet in width. Aside from the lawn area in the northwest corner, all fenced areas are landscaped with shrubs, trees, and ground cover in areas that range in width from 5 to 12 feet in depth. Landscaping is also provided adjacent to the exterior of the building.

Fencing for the site consists of a 5.5-foot high slated cyclone fence extends along the entirety of the northerly and easterly property line. The southerly property line includes an 8-foot high masonry wall, covered with vines, that is adjacent to the Yuba City Police Department and extends approximately 210 feet from the southwest corner to the west. The remainder of the southerly boundary is fenced with 5.5 slated cyclone fencing.

There are a total of 121 parking spaces on the site, including 7 handicap accessible spaces. There are 84 client and visitor parking spaces located along Stabler Lane, with the remaining 37 parking spaces located in the southwesterly portion of the site.

The site is relatively flat with no unique topographic features and the site drains to the existing storm drain system on Stabler Lane. There are no rock outcroppings or heritage-type trees on the site. There are no structures on the site. All City services including water and sewer are available in the street. Public utilities are located in a Public Utility Easement located along Stabler Lane.

All public improvements are in place. There is an attached sidewalk along Stabler Lane, the site’s only street frontage. Stabler Lane is a Major Arterial road that provides two travel lanes in each direction with a continuous left turn lane. There are bicycle lanes on both the east and west side of Stabler Lane.

**Bordering Information:**

The following table provides the General Plan land use and zoning for adjacent properties:
Table 2: Project and Bordering Site Information

<table>
<thead>
<tr>
<th>Project Site</th>
<th>General Plan Land Use Classification</th>
<th>Zoning</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Community Commercial</td>
<td>C-2 (Community Commercial District)</td>
<td>Retail and commercial</td>
</tr>
<tr>
<td>East</td>
<td>Community Commercial</td>
<td>C-2 (Community Commercial District)</td>
<td>Religious facility</td>
</tr>
<tr>
<td>West</td>
<td>Community Commercial</td>
<td>C-2 (Community Commercial District)</td>
<td>Feather Down Shopping Center</td>
</tr>
<tr>
<td>South</td>
<td>Community Commercial &amp; Public Facility</td>
<td>C-2 (Community Commercial District) &amp; PF (Public Facility)</td>
<td>Retail &amp; Police Department</td>
</tr>
</tbody>
</table>

General Plan:

Existing Land Use Classification: Office & Office Park. This classification encourages development containing professional and medical offices. This classification includes neighborhood, community, and downtown offices as well as office development in a low-intensity, campus-like setting. Office sites could include a mix of uses, such as a small-scale support services and residential uses that are secondary to the office development. Development intensity for buildout projections is assumed at Floor Area Ratio (FAR) of 0.25; the maximum FAR is 1.0. There is no proposed change in the Land Use Classification.

The FAR is the relationship between the total amount of usable floor area that a building has and the total area of the lot on which the building stands. For instance a 10,000 square foot parcel with a 0.75 FAR could have up to 7,500 square feet of usable floor area. The building could be single-story or have multiple stories, but not to exceed a total usable floor area of 7,500 square feet.

General Plan Policies:

Although the proposed project is not in a residential area the General Plan does recognize the need to allow "...alcoholism or drug abuse recovery or treatment facilities... consistent with state and federal law...". The General Plan provides the following Guiding and Implementing Policies relating to residential areas and pertinent to this project:

Table 3: Applicable City Policies

<table>
<thead>
<tr>
<th>Guiding Principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.4-G-7</td>
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<tr>
<td>6.3-G-2</td>
</tr>
</tbody>
</table>

Implementing Policies

| 6.3-I-17 | Work with health care providers to maintain a full range of health care facilities and |
services designed to meet regional and community needs.

**Zoning District Classification:**

**Existing Zoning:** The site is zoned C-O (Office Commercial District). The C-O district is intended to provide for the establishment and concentration of professional and business and administrative offices and business support services normally associated with offices. This district is consistent with the Institutional and Professional, Community Commercial and Regional Commercial General Plan designations. The district allows hospitals and care facilities with a Use Permit. There is no proposed change of zone.

**Previous Commission Action:**

On October 11, 1988 the Planning Commission approved Development Plan Amendment No. 88-15 to allow a psychiatric hospital. The site was part of the Civic Center Area Study when the psychiatric hospital was approved. It was anticipated that the hospital would be developed with an initial 80 beds and a subsequent future expansion. The first phase of development, approved with DP 88-15 did not include the proposed future expansion of the hospital with an additional 20-bed wing. The existing structure was constructed in 1989 and was operated by Sterling Development Group for approximately 10 years. The State of California then operated the psychiatric facility for several years until its closure in 2008 when the property was purchased by Rideout Hospital. The facility has been vacant since 2008.

**Staff Comments:**

The facility will be licensed as a “sub-acute” detox facility through the Department of Health Care Services, Alcohol and Drug Division. The Project Description and Addendum as well as the Conditions of Approval address a wide range of items to ensure that the proposed use is compatible with the area and provides certain operational assurances such as the type of operation, staffing, security, and services provide. As such, the proposed facility will operate in accordance with:

A. The Project Description
B. Addendum to Project Description
C. Conditions of Approval

**Operational Standards:** The proposed use is a voluntary inpatient alcohol and drug abuse program. The applicant has indicated that all clients are screened prior to admittance to the program to determine if the client is a good candidate for the recovery program. Clients are generally 18 through 65 years of age and the facility does not provide an adolescent program. All clients are self-admitting and must remain at the facility through the treatment program. There are no out-patient services provided.

The applicant is proposing a full-time staff composed of a medical team of physicians, nurses, nurse practitioners, and other skilled clinicians who provide 24-hour care and supervision during detox and in-patient residential treatment. The applicant has indicated that a client resides at the facility for approximately up to two months.

The applicant has indicated that 95 percent of the clients are transported by Luminance drivers. The remaining clients arrive by private transportation. All clients leaving the facility are
transported to their departing point by Luminance drivers.

**Facility Modifications:** The proposed rehabilitation center will utilize a site that has been vacant for approximately nine years. Given the interior design and floor layout, the existing structure is limited to select uses without undergoing extensive renovations that may be cost prohibitive. The applicant has indicated there will be minor modifications to the exterior of the building that include landscaping, lighting, a new entry way, and signage. Modifications to the grounds include passive and active recreational amenities.

**Project Amenities:** As previously noted, the site provides several outdoor areas that were previously used for passive and active recreating purposes. The project is proposing a number of amenities including a Zen garden, pond, sand volleyball court, bocce ball pit, swimming pool, and basketball court. All amenities are located within the confines of the facility, however staff is recommending that some of the amenities be phased over a one-year period.

**Landscaping:** There is extensive landscaping throughout the site. The applicant is proposing to maintain a significant portion of the landscaping. However, some shrubs and trees will be added, while tired landscaping will be replaced.

**Fencing and Wall:** The existing fencing appears to be well maintained and does not show signs of disrepair. Existing landscaping softens the appearance of the fencing. Regardless, staff recommends that a condition of approval which requires that the applicant maintain the existing fencing and wall as well as landscape buffers.

**Lighting:** There is existing lighting throughout the site, however, staff recommends several conditions of approval requiring that lighting be pedestrian in scale and spaced appropriately for the fixture, type of illumination, and pole height. More specifically, the condition requires that the site be appropriately lit, with special attention given to main entry, parking, and other common facilities.

**Parking:** As previously noted, there are a total of 121 existing parking spaces. The applicant is proposing an additional 16 parking spaces. In addition, staff is recommending a condition of approval that the applicant provide a minimum of five bicycle parking spaces.

**Security:** The applicant has indicated that 24-hour on-site security will be provided. Staff is also recommending a condition of approval that security cameras be provided in all common areas both inside and outside the facility.

**Compatibility with Surrounding Uses:** Compatibility with surrounding uses is a critical issue that must be considered for this project. As previously noted in Table 2, areas to the north are developed with a variety of commercial uses including a pharmacy and restaurants. Property to the east is developed with play fields owned by a religious institution. Properties to the south are developed with a commercial use and the Yuba City Police Department. The area to the west is developed with Feather Down shopping center. The nearest residential area is approximately 800 feet to the north.

Given that activities at the site are within the confines of the building and recreating areas, with some activities occurring off-site for day trips, the proposed use does not appear to be in conflict with existing uses.

**Police Department Comments:** The Yuba City Police Department has commented that with the
required 24-hour on-site security there are no other Police Department concerns. The 24-hour on-site security is recommended in the Conditions of Approval.

*Fire Department Comments:* The Yuba City Fire Department has indicated that prior to occupancy, a State STD850 inspection be conducted to ensure compliance with fire codes.

*Availability of City Services:* All City services, including water, sewer and storm-water drainage are available to this site.

*Environmental Determination:* Pursuant to California Environmental Act (CEQA) Article 19. *Categorical Exemptions* After reviewing and considering the project in its entirety, a determination has been made that the Project is categorically exempt pursuant Section 15302 Existing Facilities Class 1 of CEQA Guidelines. Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities ... involving negligible or no expansion of the use or facility beyond that existing at the time of the lead agency's determination.

The proposed project involves the upgrade of an existing facility which does not expand the footprint of the facility and involves interior tenant improvements to convert the structure, a former psychiatric facility to a "sub-acute" detox rehabilitation facility.

*Recommended Action:* *Findings:* The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the General Plan, its compatibility with surrounding uses, and the scope of improvements and use which has been determined not to have a significant impact on the environment.

Yuba City Municipal Code Sections 8-5.7003 requires that findings be made in order to approve a Use Permit. Provided below is an evaluation of the findings required to approve the project. The required findings are in *italics*.

1. **Environmental:** After reviewing and considering the project in its entirety, a determination has been made that the Project is categorically exempt pursuant Section 15301 Existing Facilities Class 1 of CEQA Guidelines.

   *Staff Analysis:* As noted above, a determination has been made that the project is categorically exempt in that the existing facility footprint will not be increased. The project improvements consist with interior modifications. The former psychiatric care facility and detox facility are similar in nature in that both provide care to clients who reside at the facility and require professional medical personal care.

2. **Use Permit:** Based upon analysis of the Use Permit application and subject to the applicant's compliance with the conditions of approval, the following required findings of Section 8-5.7001(C) of the Municipal Code can be made:
a. The proposal is consistent with the General Plan:

The General Plan notes that the classification allows for wide range of office activities including professional and medical offices. In this instance the structure is an existing facility that is sufficient in size to accommodate the use and has sufficient are to provide required parking. In addition, give the proposed operational standards and security measures provide the use will have minimal impact on nearby commercial and retail uses.

b. The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this Chapter (Zoning Regulations).

The project site is approximately 5.46 acres with an existing facility that is approximately 51,000 square feet in size. There are an existing 121 parking spaces and the applicant is proposing additional parking. The project site is in a developed with parking, landscaping, and public improvements.

c. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.

The site is located on a Stabler Lane a Major Arterial that is fully improved. Client activities are limited primarily to the site. During the clients stay, operator provides transportation for clients.

d. The site design, design of the building, and scale of the project will complement neighboring facilities.

The site is developed with a 28 year-old that previously housed a psychiatric facility. The facility is of similar design and construction as other uses in the immediate area, including offices and medical offices in the immediate area.

e. The project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity.

The proposed use consists of an inpatient alcohol and drug abuse recovery center. There is staff attending to the needs of clients 24 hours a day. In addition client activity is limited primarily to on-site activities. Off-site activities are chaperoned by staff. Also, there is 24 hour security as well as security cameras throughout the site.

Commission Action:

Staff recommends that the Planning Commission:

1. Find the project is categorically exempt pursuant to California Environmental Quality Act Section 15301 Existing Facilities.

2. Approve Use Permit 17-03, subject making the necessary finds and to the conditions provided in Conditions of Approval (Attachment 2).

Attachments:

1. Aerial photo/Location Map
2. Conditions of Approval
3. Site Plan
4. Project Description and Addendum to Project Description
5. Preliminary Landscape Plan
6. Floor Plan
7. Elevations and Exterior Views
ATTACHMENT 2

CONDITIONAL USE PERMIT 17-04
LUMINANCE HEALTH GROUP INC.

CONDITIONS OF PROJECT APPROVAL

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CATEGORICAL EXEMPTION

1. A determination has been made that the project is categorically exempt pursuant to the Guidelines for California Environmental Quality Act § 15000 – 15387 California Code of Regulations Title 14, Chapter 3 State of California Article 19. Categorical Exemptions § 15301. Existing Facilities.

GENERAL

2. Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, 2016 Uniform Building Code, and all Public Works Standards and Specifications. The City shall not assume responsibility for any deletions or omissions resulting from the permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

3. The applicant/property owner agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, damages, liability or actions arising out of or connected with this Agreement, except to the extent such liabilities are caused by actions of the City.

EXPIRATION AND DEVELOPMENT IMPACT FEES

4. Approval of Use Permit No. UP 17-04 (UP 17-04) shall be null and void without further action if either the project has not been substantially commenced within two years of the approval date of UP 17-04 or that a request for an extension of time, pursuant to Section 8-5.7106 of the Yuba City Municipal Code (YCMC) has been submitted to the City.

5. Development Impact Fees. Impact fees shall be paid pursuant to the YCMC.

PLANNING DIVISION

6. The approved project shall be constructed per the plans approved by the Planning Commission, except as provided by the conditions below.

7. The facility shall operate pursuant to the Project Description dated August 10, 2017 and the Addendum to Project Description dated September 5, 2017, as approved by the Planning Commission.

8. In the event the facility ceases operation as an in-patient substance abuse facility pursuant to these Conditions of Approval, the facility shall not be used as a room and board, temporary lodging, housing for people experiencing temporary homelessness, a temporary shelter, independent living facility, emergency shelter, transitional housing, supportive housing, single-room-occupancy housing, residential care facility, or rental housing.
9. All amenities discussed in the Project Description shall be in place prior to the operation of the facility. As an alternative, the owner may enter into an agreement, in the form of the covenant which shall run with the Subject Property and shall be binding on each successive owner of the Subject Property and his and/or her heirs, administrators, successors, and assigns, that stipulates that all amenities shall be installed within one-year from the date of occupancy. The failure to abide by the terms of this covenant may result in the revocation of the Certificate of Occupancy for the all or any portion of the Subject Property affected, in addition to other penalties and remedies available to the City. The covenant shall be recorded with the Sutter County Recorder and shall be released at such time as the Development Services Director of the City of Yuba City issues a written release of such conditions and obligations and records such a release.

The amenities discussed in the Project Description include:

- Zen Garden
- Quiet rooms
- Yoga room
- Volley ball and Bocce ball courts
- Ceramic studio
- Garden courtyards
- Swimming pool
- BBQ area
- Indoor climbing wall
- Basketball court

10. Clients shall be provided with a waiting room, regardless of arrival time, until such time that they are admitted.

11. All clients leaving the facilities shall leave the complex upon exiting the facility. Signs stating “No Loitering” shall be conspicuously posted.

12. The operator shall escort clients leaving the facility to the client’s primary mode of transportation.

13. All smoking areas are to be clearly marked and maintained free from debris. Said areas shall not be readily visible from Stabler Lane.

14. No secondhand smoke shall be detectable outside of the property.

15. A minimum of one security guard shall be on patrol duty 24-hours per day, 7-days per week.

16. Security cameras shall be provided in all common areas both inside and outside the facility excluding patient rooms.

17. The facility shall provide the Development Services Director with an annual report of police, fire, or emergency personnel calls to the site. In the event that police, fire, or emergency personnel are called in excess of two times the number of calls for similar uses, the Development Services Director shall determine if the use permit needs to be reviewed by the Planning Commission to determine if additional conditions need to be applied to the use.

18. Building Elevations
   a. Any proposed building elevation modifications, including the exterior painting of the facility, shall be reviewed and approved by the Development Services Director.
19. Colors
   a. Prior to exterior painting, if any, colors shall be presented to the Development Services Department for review and approval.

20. Walkways
   a. Walkways should be designed to provide convenient access and connections both internally and externally. Walkways should be safe, accessible, well-lit, and landscaped.

21. Landscaping
   a. A variety of plants shall be used on the planting palettes for front yards, courtyards and common open space areas to create an individual identity for each space.
   b. Minimum 50 percent parking lot shading within 15 years shall be provided. Provide shade calculations on the landscape plan, including tree species and tree counts.
   c. All landscaping per the approved plan shall be maintained and replanted if necessary.

22. Refuse Collection Areas
   a. Trash enclosures should be screened from street view with vines or shrubs on three sides.

23. Existing perimeter cyclone fencing with slats and the masonry walls shall be maintained along the northerly, easterly, and southerly boundary.

24. Lighting
   a. Building lighting fixtures shall be decorative and be compatible with the design of the buildings. Wall packs shall not be permitted.
   b. Lights shall be pedestrian in scale and be spaced appropriately for the fixture, type of illumination and pole height shall not exceed 18 feet. A lighting plan required by Article 58 of the Zoning Regulations shall be approved prior to the issuance of building permits.
   c. The entire site should be well lit, with special attention given to the principle entries, and parking areas.
   d. Outdoor lighting used for security, landscaping, or building illumination should be shielded so as not to shine directly onto adjacent properties.

25. Mechanical Equipment
   a. Utility and mechanical equipment (e.g. electric and gas meters, electrical panels, transformers and cable and telephone junction boxes, HVAC units) shall be screened from view with landscaping and/or construction that is compatible with the building design.
   b. All mechanical equipment, whether mounted on the roof or the ground, should be screened from public view. Utility meters and equipment should be placed in locations that are not exposed to view from the street or should be suitably screened. All screening devices are to be compatible with the architecture and color of the adjacent structures.

   a. Provide a minimum of five bicycle parking spaces.
   b. Depict the type of bike rack. Wave racks are not permitted.
27. A fiberglass valve enclosure cover shall be provided for the backflow preventers. The valve enclosure is to be reviewed and approved by the Development Services Director.

28. All existing parking spaces shall be restriped.

29. All new parking spaces shall meet City standards pursuant to Yuba City Municipal Code Sec. 8-5.6104.

**PRIOR TO CERTIFICATE OF OCCUPANCY**

30. The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.

31. Prior to the issuance of a certificate of occupancy, all reduced pressure backflow preventers shall be tested and a back flow preventer certification performed by an American Water Works Association licensed tester shall be submitted to the Public Works Department.

**FIRE DEPARTMENT**

32. All fire sprinkler and alarm plans shall be submitted directly to Yuba City Fire Department, no differed submittals. Prior to any occupancy, a State STD850 inspection shall be conducted and passed.

**OPERATIONAL CONDITIONS**

33. Per the Addendum to Project Description dated September 5, 2017:

   a. There shall be no more than 70 clients at the facility.
   b. The facility shall be limited to adults (no adolescents) and shall accept co-eds.
   c. The facility shall not be operated as a disciplinary facility.
   d. The facility shall not be operated as a Psychiatric Health Facility (PHF) as licensed by the California Department of Health Care Services (DHCS).
   e. The facility shall operate as a voluntary facility and shall not serve as a diversion program (in-lieu of jail).
   f. Clients with any violent felony convictions within the last three years shall not be admitted.
   g. Clients with gang activity, and/or sexual crimes shall not be admitted.
   h. This facility shall not offer any out-patient services.
   i. The facility shall not offer support groups to non-inpatient clients.
   j. The facility shall employ a team of chefs to prepare meals or provide specialty meals required for religious or dietary restricted individuals, and no client shall prepare food.
   k. At a minimum, janitorial staff, maid, not clients, will clean the facility on a daily basis, Monday-Sunday. Janitorial staff shall be responsible for maintaining the restrooms and
laundry services.

l. The operator shall employ the services of an outsourced landscape company to maintain the grounds and gardens.

m. The facility shall provide a full-time, onsite medical team of physicians, nurses, nurse practitioners and other skilled clinicians which shall provide 24-hour care and supervision.

n. Clients shall be taken to their appointments by the operator Staff Driver who shall remain at the appointment and bring them back after the appointment.

34. The operator shall obtain and maintain proper licensing from the Department of Health Care Services, as required to operate as an alcohol and drug recovery facility. The facility shall operate with incidental medical services, which qualifies us as a “sub-acute” detox facility. Should the Department of Health Care Services licensing be revoked, suspended, or discontinued, the City shall be informed within 24 hours by the operator.

35. The operator shall offer clients medically monitored care to assist in the safe withdrawal from the effects of various drugs and alcohol. Substance abuse education, intervention and counseling will be part of the addiction recovery protocols.

36. The operator shall use a variety of methods to alleviate physical cravings for drugs or alcohol during detox. There shall be various treatment modalities to assist clients achieve sobriety. These modalities include, but are not limited to, evidenced-based CBT (Cognitive Behavioral Treatment) group therapy, individual therapy, support groups (such as 12-step model), family therapy, rehabilitation and social skills building, medication management, and anti-craving medications.

37. The operator shall provide, but is not limited or restricted to, the following forms of therapy:

- **Individual Psychotherapy sessions.** Clients are matched with highly skilled, licensed clinicians based on areas of specialization and compatibility.

- **Group Psychotherapy sessions.** Luminance’s Multidimensional group schedule ensures treatment that is thematically linked daily; skilled are challenged, reinforced and strengthened weekly; and developmentally integrated to insure clients receive same level of care regardless when they are admitted.

- **Couples Therapy.** Renegotiating ruptured relationships with both face-to-face and remote sessions.

- **Family Therapy.** Family healing begins when families begin learn addiction is a family disease in which all members are affected.

- **Multi-Family Therapy.** Builds community, reduces stigmatization, provides safe place to work on family-of-origin issues.

- **Psychodrama.** Unique opportunity to address past trauma in safety of the present.

- **Sensorimotor Psychotherapy.** New, Best-Practice intervention to surface unresolved trauma, grief, and loss.

- **EMDR.** New, Best-Practice intervention for PTSD

- **Psychoeducational Groups.** Highly specialized, skill building sessions.

- **Independent Living Skills.** Helps clients learn the skills needed to re-enter life as sober, productive members of society.

- **Equine Therapy.** Develops trust, non-verbal communication, and emotional connection.
This therapy would happen at an off-site facility. Clients would be transported with their therapists to a facility that specializes in this type of therapy.

- **Mindfulness Meditation.** High effective affect regulation tool, reduced negative affect, improves mood and feelings of well-being.
- **Yoga.** "Yoking" mind and body in pursuit of stress reduction and improved mental/physical health.
- **Art/Creative Therapy.** Powerful stress reduction, neuronal integration modality.
- **CBT/DBT** Effective suite of interventions and techniques to restructure thoughts, feelings, and sensation from addiction to recovery based.
- **Diet/Nutrition/Exercise.** Promotes global health, wellness with non-using coping behaviors.
- **Creative Writing/Journaling.** Promotes self-reflection, normalizing/validating of emotional experience, develops emotional vocabulary.
- **Spirituality.** Ageless pursuit of connection with something larger than self to promote self-love/forgiveness/esteem
- **Native-American Experiential processes.** Sweat Lodges, Medicine Wheels, Sacred Movement provides multicultural dimension to recovery.
- **Narrative Therapy.** Engagement in the healing, cathartic process of "telling your story."
- **Music Therapy.** Improves interpersonal communication and community building skills.
The subject property includes an existing 51,000 sq. ft. vacant psychiatric hospital on 5.46 acres, located in a primarily commercial district of Yuba City. The site is zoned (C-O) Commercial-Office and is surrounded on three sides by retail uses, a City Police Department and a Church.

The proposed use of the vacant hospital is to convert it to a state-of-the-art in-patient alcohol and drug abuse recovery center. The facility will contain residential bedrooms with one to two patients per room. It is anticipated that 60-70 patients will occupy the facility and no outpatient care is provided. Adult male and female patients will be admitted, but not adolescents or children. The facility will be licensed through the Department of Health Care Services, Alcohol and Drug Division.

Residents will be self-admitted (occasionally via the court system – less than 2% of the population) and are considered voluntary patients. Patients will receive treatment in two phases. Phase one (typically 4 to 9 days) involves recovery treatment. A team of physicians, nurses and skilled clinicians provide 24-hour cares and supervision during this phase.

Phase two (typically 21-45 days) involves a focus on the underlying issues that play a role in addiction and the barriers to recovery. This involves a course of treatment to address the medical, psychological and spiritual components of addiction along with behavioral and emotional health. Withdrawal medications keep the patients comfortable during the process and are monitored to assist in the recovery process. Methadone treatment will not be provided to the patients. However, Medication Assisted Treatment will be provided for qualified patients.

The facility will be enhanced with features to make the treatment process desirable. Amenities to include interior improvements to make the residents more comfortable, and the experience more pleasant. Other amenities to include tactile and holistic therapeutic interventions, such as a Zen Garden, quiet rooms, a Yoga room, a ceramic studio, and garden courtyards. In addition, a swimming pool, BBQ area, indoor climbing wall, basketball court, volleyball and Bocce ball courts are planned to help patients engage in physical
activities and increase social interaction.

Patients will attend individual counseling sessions, group therapy sessions, relapse avoidance training, life skills training, coping skills and other lessons on maintaining sobriety. Medical services to be made available to patients include medical exams, laboratory panels, nutritional assessments, psychiatric assessments and family medical history analysis.

Staff to patient ratios will be fairly high for this facility, and will range from 1:2 to 1:6 staff per patient.

The alcohol and drug abuse recovery center will involve no physical restraints and will not be a locked facility. Security will include staffing 24-hours per day, 7-days per week. An on-site licensed security guard will be on patrol duty 24-hours per day, 7-days per week. Security cameras will be located in all common areas both inside and outside the facility. The property is also located immediately adjacent to an existing City Police station.

The substance abuse treatment facility will be accredited by the Joint Commission. In addition, the treatment facility will be certified by the Commission on the Accreditation of Rehabilitation Facilities (CARF). The facility will also be licensed by the Department of Health Care Services.

The facility will be staffed by approximately 85+/- employees, in three shifts. It is anticipated that approximately 60 staff would work the day shift, with 25 staff on the evening shift and 10-15 on the late night/early morning shift. Because most patients will be delivered to the facility by family members or Luminance drivers, the existing 137 space parking lot will be adequate for the anticipated number of staff and the few patient visitors on site at any one time.
Addendum to Project Description
Luminance Health Group Inc.
Application for
Luminance Yuba City Campus

The subject property is a vacant 52,000 sq. foot former psychiatric hospital on 5.46 acres, located in a primarily commercial district of Yuba City. The site is zoned (C-O) Commercial-Office and is surrounded by retail uses, the Yuba City Police Department, and a Church.

The proposed use of the vacant hospital is to convert it to a state-of-the-art inpatient alcohol and drug abuse recovery center. The facility will contain residential bedrooms with one to two patients per room. It is anticipated that 60-70 patients will occupy the facility and no outpatient care will be provided. Adult male and female patients will be admitted, but not adolescents or children. The facility will be licensed through the Department of Health Care Services, Alcohol and Drug Division.

PROGRAM ADMISSION
Admission to the Luminance treatment program is voluntary, regardless of if clients have Out-Of-Network insurance or cash pay. This program will accommodate adult men and women, ages 18 through 65 years old. No adolescent program will occur here.

This facility will not serve as a diversion program (in-lieu of jail). If a client is ordered by the court to complete a drug/alcohol program to fulfill their requirement, they are still voluntarily admitted. That means they have the right to choose their facility. The client would still have to meet our admissions policies and pay for the program though insurance or cash. The number of clients who are self-admitting into our program from a court mandate is about 2%. Additionally, these clients go through the same admissions screening process like all of our other clients.

The vast majority, i.e., 85%+ of the clients entering this facility would be referred through our retail marketing efforts targeting individuals and loved ones who have Out-of-Network insurance or cash pay. Our marketing efforts include: Google Adwords, Bing, YouTube, Facebook, Digital Display Ads, PR and content marketing. We will also work with select treatment centers, hospitals who doctors who refer clients to our facility as well.

Clients are admitted to the program Monday-Sunday. Generally speaking, this facility will only average about 3 admits a day. About 75% of clients arrive between 10:00am-3:00pm with the balance arriving between 3:00pm - 10:00pm. After hours admits due to
flight delays are processed by onsite staff and rarely occur after midnight. Of note, 95% of clients are picked up by Luminance drivers and brought to the treatment center for admission processing – clients are not admitting themselves. The remaining 5% of cases, family or loved ones are dropping off the client at our facility.

**CLINICAL PRE-ADMISSION SCREENING CRITERIA**

Before a client can enter the program, they are given an assessment by one of our staff in order to qualify that the person is a good fit for our program. In this assessment phase, we ask some potentially disqualifying questions – these are listed below.

**Suicide Attempt/Self Harm – Single incident**
- Last 12 months – detailed explanation of incident – refer to Clinical Director for Approval
- 12 months + - admit with explanation attached and note sent with admit email to staff.

**Suicide Attempt/Self Harm – 2+ Incidents**
- Last 12 months. – **no admit**
- 12 months+ - detailed explanation of incidents – refer to Clinical Director for Approval

**Eating Disorders (ED)**
- Last 12 months – **no admit**
- 12 months+ - detailed explanation of ED behaviors – refer to Clinical Director for Approval

**Psychosis (includes drug induced, either self-reported or collateral information)**
*Hallucinations – auditory/visual/tactile, Paranoia, Delusions, Disorganized Speech*
*Catatonia*
- Last 12 months – detailed explanation of incident – refer to Clinical Director for Approval
- 12 months + - admit with explanation attached and note sent with admit email to staff.

**Psychiatric Hospital Stay**
- Last 12 months – detailed explanation of incident – refer to Clinical Director for Approval
- 12 months + - admit with explanation attached and note sent with admit email to staff.

**Previous Treatment Center Stays**
- More than 3 facilities in the last 12 months – **no admit**

**Legal Issues**
- Any violent felony within the last 3 years – **no admit**
- Any gang activity – **no admit**
- Any sexual crimes – **no admit**
• Any violent misdemeanor in the past 12 months – detailed explanation of events - refer to Clinical Director for approval

**TREATMENT**

Most treatment center models measure sobriety in terms of length – the amount, or quantity of time a client is abstinent. While the length of abstinence is an important and necessary dimension of recovery, Luminance believes it is not sufficient for long-term sobriety, health and wellness.

Luminance has adopted a 3 dimensional view of recovery that measures the Length (quantity of abstinence,) Width (quality of abstinent time,) and Depth (the experience of personal and spiritual development in which character traits transform into personality traits.)

![Diagram showing three dimensions of recovery: Length, Width, Depth](image)

Addiction treatment programs and services at Luminance are not defined by a number of days, but rather by an individual client’s needs. Our phased approach allows clients to advance through treatment at a pace based on their specific situation and clinical milestones.

Luminance invests in long-term solutions that treat the acute and chronic symptoms of addiction; not just helping them get sober, but rather teaching them how to stay sober so they can enjoy lives filled with happiness, health, and well-being. Our ability to treat our client’s acute and chronic addictive symptoms with individualized, holistic, treatment plans promotes a deeper level of connection, trust, and healing.

Our full-time, onsite medical team of physicians, nurses, nurse practitioners and other skilled clinicians provide 24-hour care and supervision during detox and in-patient residential treatment.
A. Close to 90% of clients will start out with our detox program. This phase of treatment generally lasts **4 to 9 days**.

The license Luminance is obtaining from the Department of Health Care Services will be a detox-residential with incidental medical services, which qualifies us as a “sub-acute” detox facility. We will offer clients medically monitored care to assist in the safe withdrawal from the effects of various drugs and alcohol. Substance abuse education, intervention and counseling will be part of the detox protocols.

The medical team remains involved throughout the patient’s course of treatment, working with other Luminance staff members to address the medical, psychological, psychiatric, and spiritual components of addiction and behavioral health rehab. Continuous evaluation of withdrawal symptoms, physical and emotional health, and the need for withdrawal medications helps keep patients comfortable during this difficult process.

Luminance will use a variety of methods to alleviate physical cravings for drugs or alcohol during detox. Our trauma-informed addiction treatment program at Luminance was developed to address the internal process and cross-effects of trauma, addictions, and other co-occurring conditions. There will be various treatment modalities that will be applied to our clients to achieve sobriety and maintain their recovery long-term. These modalities include evidenced-based CBT (Cognitive Behavioral Treatment) group therapy, individual therapy, support groups (such as 12-step model), family therapy, rehabilitation and social skills building, medication management, and anti-craving medications.

Luminance’s approach to prescribing psychiatric medications is conservative. Our medical staff and addiction specialists work together to diagnose each patient carefully, thus ensuring that all prescriptions are medically justified.

Below is a list of medications that are generally used during the detox process:

**Alcohol detox (dosages vary depending on use)**
- robaxin
- gabapentin
- lorazepam
- zofran
- clonidine

**Crack/Meth (dosages vary)**
- robaxin
- gabapentin
- lorazepam
- zofran
- clonidine

**Opioids/Methadone (dosages vary depending on use history)**
- subutex or suboxone
gabapentin
robaxin
zofran
b12 (vitamin)
clonidine

B. The next phase of treatment after detox is in-patient residential, typically lasting **21-45 days**. In this phase, the focus is on addressing the underlying issues that play a role in a client’s addiction and the barriers to achieving a successful and sustained recovery.

Luminance uses a phased approach that allows clients to advance through treatment at a pace based on their specific situation and clinical milestones. Luminance customizes each client’s treatment plan which then gets implemented by the clinical team.

The client treatment team will be made up of dedicated professionals from various disciplines such as:

- Psychology
- Addiction counseling
- Behavioral health
- Medicine
- Nutrition
- Health and wellness
- Spirituality

The team will talk extensively with the patient and their family and perform several different evaluations, then design an individual treatment plan based on substance abuse history, and other factors, including any co-occurring addictions, disorders, or other problems. They collaborate daily to ensure that every man and woman is progressing as they should in treatment.

**This Luminance facility will not offer any out-patient services. The facility will not offer support groups to non-inpatient clients.**

**TREATMENT – PROGRAM DETAILS**

- **Individual Psychotherapy sessions.** Clients are matched with highly skilled, licensed clinicians based on areas of specialization and compatibility.

- **Group Psychotherapy sessions.** Luminance’s Multidimensional group schedule ensures treatment that is thematically linked daily; skilled are challenged, reinforced and strengthened weekly; and developmentally integrated to insure clients receive same level of care regardless when they are admitted.

- **Couples Therapy.** Renegotiating ruptured relationships with both face-to-face and remote sessions.

- **Family Therapy.** Family healing begins when families begin learn addiction is a family disease in which all members are affected.

- **Multi-Family Therapy.** Builds community, reduces stigmatization, provides safe
place to work on family-of-origin issues.

- **Psychodrama.** Unique opportunity to address past trauma in safety of the present.
- **Sensorimotor Psychotherapy.** New, Best-Practice intervention to surface unresolved trauma, grief, and loss.
- **EMDR.** New, Best-Practice intervention for PTSD
- **Psychoeducational Groups.** Highly specialized, skill building sessions.
- **Independent Living Skills.** Helps clients learn the skills needed to re-enter life as sober, productive members of society.
- **Equine Therapy.** Develops trust, non-verbal communication, and emotional connection. This therapy would happen at an off-site facility. Clients would be transported with their therapists to a facility that specializes in this type of therapy.
- **Mindfulness Meditation.** High effective affect regulation tool, reduced negative affect, improves mood and feelings of well-being.
- **Yoga.** “Yoking” mind and body in pursuit of stress reduction and improved mental/physical health.
- **Art/Creative Therapy.** Powerful stress reduction, neuronal integration modality.
- **CBT/DBT Effective suite of interventions and techniques to restructure thoughts, feelings, and sensation from addiction to recovery based.**
- **Diet/Nutrition/Exercise.** Promotes global health, wellness with non-using coping behaviors.
- **Creative Writing/Journaling.** Promotes self-reflection, normalizing/validating of emotional experience, develops emotional vocabulary.
- **Spirituality.** Ageless pursuit of connection with something larger than self to promote self-love/forgiveness/esteem
- **Native-American Experiential processes.** Sweat Lodges, Medicine Wheels, Sacred Movement provides multicultural dimension to recovery.
- **Narrative Therapy.** Engagement in the healing, cathartic process of “telling your story.”
- **Music Therapy.** Improves interpersonal communication and community building skills.

### TREATMENT – LIFE SKILLS

Life skills are taught at Luminance in a variety of ways. Most of them are subtle and are learned simply by attending activities in our rehab program. Typically, clients learn life lessons in rehab through the following:

- Psychologists and other mental health specialists identify clients’ problematic behaviors
- Working through psychological problems that hold clients back from mastering skills
- Attending skills classes that help teach life lessons
- Interacting with other people in recovery
- Mastering relapse avoidance techniques
- Learning new communication methods in a real world environment

While in rehab, counselors work with clients to help them master a wide range of life
skills. Many of these skills will be things they mastered before addiction.

- **Coping mechanisms** – Our lives are filled with stress which makes it incredibly hard for us to live a happy and healthy life. Unfortunately, clients may deal with this stress using drugs or alcohol. In rehab, clients will learn how to deal with stress in a healthy and constructive way.

- **Independent living skills** – Drug addiction often robs people of the ability to take care of themselves. Thankfully, rehab will help teach clients a variety of independent living skills, like:
  - **Maintaining a daily schedule**
    - Eating a healthy diet
    - Taking care of personal hygiene
    - Mastering financial independence
  - **Controlling emotions** – If clients used drugs or alcohol, they may have been self-medicating their emotional difficulties. This does not cure emotional problems, just soothing the symptoms. In rehab, clients will learn to live an emotionally-stable life free from addiction.
  - **Mastering social interactions** – Interacting with people when you’re addicted to drugs is difficult. Not only will a client’s mind be impaired, but they’ll feel a great deal of guilt and fear. In rehab, they will learn how to break through these negative emotions, but master how to interact with people in positive and constructive ways.

**CLIENT ROLE/RESPONSIBILITIES**

Rights and responsibilities of clients including their collaboration in the assessment, treatment planning and discharge/continuing care processes and those governing clients conduct and types of infractions can result in disciplinary action such as loss of phone privilege’s, behavioral contract or discharge. Facility will provide a professional cleaning staff.

While we are a voluntary, non-lockdown facility, continued enrollment in our program requires that patients voluntarily stay on-site at all times with the exception of supervised specialty medical appointments (i.e. Dentist, Chiropractor, Specialty Dr., etc.). Clients will be taken to their appointments by a Luminance Staff Driver who will remain at the appointment and bring them back after the appointment.

Clients will not be allowed visitors during their stay with the exception of our scheduled Family Day program. During these supervised visits, the client’s therapist will spend the day with the family and client working through a very specific treatment outline.

Client will be expected to complete chores on a daily basis. These will include making their bed, picking up their clothes, keeping their room clean and putting their dished away when they are done eating. Additionally; they will be given homework from their therapists that will need to be completed.

**LUMINANCE PROGRAM RULES**
The following rules and guidelines have been developed to assist our clients while in treatment. We understand it is important in recovery to maintain personal responsibility, and to be informed of what is expected. By establishing clear guidelines, we hope to assist our clients in behavioral and attitude changes that facilitate long-term recovery.

1. No use of alcohol or any type of mood or mind-altering substances at any time.
2. The use of alcohol or drugs may be grounds for immediate discharge from the program.
3. Confidentiality regarding the presence and disclosure of all clients is to be strictly followed.
4. No violence or threats of violence will be tolerated. Possession of weapons, acts of violence, or threats of violence may be grounds for immediate discharge.
5. Failure to abide by the rules may result in restriction of privileges/ in more serious cases, repeated violations, or disregard for program rules will result in administrative discharge.
6. Loud and vulgar talking is prohibited. Appropriate and responsible conduct is expected at all times.
7. Cell phones, laptops, cameras, & I-Pads are prohibited, unless on the appropriate level.
8. Smoking or the use of smokeless tobacco products are allowed in designated outside areas only.
9. Clients may not lend or borrow personal items.
10. Theft from other clients, retail stores, etc. will not be tolerated.
11. The primary therapist must approve all visits and passes in advance.
12. Clients will be responsible for taking medication the appropriate times.
13. Sunglasses may not be worn inside.
14. No “energy drinks” or weight training supplements are permitted.
15. Clients must attend all treatment activities unless excused by staff.
16. Major rule violations not reported to staff will result in behavioral improvement agreements, loss of phone privileges, or discharge.
17. Clients will respect the personal property of other Clients and staff. Clients will not borrow the property of others.
18. Clients are responsible for their behavior and are expected to communicate, cooperate, and show respect to other Clients and staff.
19. All visitors must be approved by staff.
20. Sexual relationships with peer are grounds for dismissal as they are considered detrimental to the community and to the individual’s recovery process.
21. Being on time to all scheduled activities is required.
22. All treatment assignments are to be completed in a timely manner.
23. All assigned work responsibilities must be completed.
24. When you do not know what to do, do not assume, ask the staff, your buddy, or a staff member.
25. No profanity or verbal abuse of staff or other Clients is allowed.
26. Logos on clothing that are gang or drug related are not permitted.
27. Clients will dress in casual appropriate clothing. Shirts and shoes must be worn at all times.
28. No tank tops, ripped t-shirts, T-Shirts advertising drugs/alcohol, halter-tops,
backless or low-cut clothing, short shorts, or other tight clothing are permitted.
29. Undergarments must be worn at all times.
30. No medications of any kind are allowed unless approved and prescribed by your physician.
31. No stealing, borrowing, or lending of money is permitted.
32. Knowledge and awareness of all rules is expected.

Behavior that undermines treatment rules and expectations will not be tolerated. Violation of these rules will result in consequences and may result in dismissal from the program.

When a client is discharged from the program for cause or leaves against medical advice, they will be driven by a Luminance driver to the airport, train station, bus station or we will make arrangements for them to be picked up from the facility.

**CLIENT CARE**
Staff to patient ratios will be fairly high for this facility, and will range from 1:2 to 1:6 staff per patient.

Clients will have full-time maid service to clean their bedrooms, personal restrooms, and laundry services for clothes, towels and bedding. The facility will also employ a team of chefs to prepare healthy meals for clients as well as providing healthy snacks, coffee and juices throughout the day.

Janitorial staff will keep the general facility clean everyday, Monday-Sunday.

Luminance will also employ the services of an outsourced landscape firm to keep the outside landscaping and inside gardens in top form.

The facility will be enhanced with features to make the treatment process desirable. Amenities will include interior improvements to make the residents more comfortable, and the experience more pleasant. Other amenities to include tactile and holistic therapeutic interventions, such as a Zen Garden, quiet rooms, a Yoga room, a ceramic studio, and garden courtyards. In addition, a swimming pool, BBQ area, indoor climbing wall, basketball court, volleyball and Bocce ball courts are planned to help patients engage in physical activities and increase social interaction.

**SECURITY**
The alcohol and drug abuse recovery center will involve no physical restraints and will not be a locked facility. Security will include staffing 24-hours per day, 7-days per week. An on-site licensed security guard will be on patrol duty 24-hours per day, 7-days per week. Security cameras will be located in all common areas both inside and outside the facility. The property is also located immediately adjacent to an existing City Police station.

Since this is a voluntary treatment program, clients may choose to leave, however, we
will inform them of the consequences if they leave against clinical advice. We will have security cameras located in all of the common areas inside and outside. Clients who leave the treatment program against medical advice or against clinical advice, the family/loved one who is on consent will be notified immediately.

For emergency situations beyond our control such as fire and other natural disasters, or medical emergencies, we will contact the police or fire department or emergency medical ambulance.

Deliveries will be made to the loading dock. These will include office supplies from our Staples office supply vendor, food purveyor, and other items that are needed to run the program. We do not expect any Semi-trucks to be delivering on a regular basis, only small trucks.

LUMINANCE YUBA CITY CAMPUS LICENSING
The Luminance Yuba City Campus would be licensed by the Department of Health Care Services. Those licenses include: Residential Detox, as well as Incidental Medical Services (IMS). The facility would also have Clinical Laboratory Improvement Amendment (CLIA). Luminance Health Group will be accredited by the Joint Commission upon opening and pursue Commission on the Accreditation of Rehabilitation Facilities (CARF) accreditation while the facility build out is happening. The facility will not be licensed as a state hospital.

a. AOD facilities (sometimes called substance use disorder (SUD) facilities) are licensed and certified by the California Department of Health Care Services (DHCS).

b. AOD facilities provide the following types of services to clients:
   i. 24-hour non-medical alcohol and/or other drug treatment for adults
   ii. Supervised medical residential detoxification
   iii. Individual counseling
   iv. Group counseling (8-12 people)
   v. Substance abuse education
   vi. Substance abuse treatment
   vii. Relapse prevention education
   viii. Incidental medical services
   ix. Vocational services
   x. Social and recreational activities
   xi. Wellness and exercise
   xii. Discharge planning
   xiii. Referral services
   xiv. Dietetic services

STAFFING
The facility will be staffed by approximately 100+/- employees, in three shifts. It is anticipated that approximately 60 staff would work the day shift, with 25 staff on the
evening shift and 10-15 on the late night/early morning shift. Because most patients will be delivered to the facility by family members or Luminance drivers, the existing 137 space parking lot will be adequate for the anticipated number of staff and the few patient visitors on site at any one time.

<table>
<thead>
<tr>
<th>Hire 1</th>
<th>Campus Operations Director</th>
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<tbody>
<tr>
<td>Hire 2</td>
<td>Receptionist / Office Assistant</td>
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<tr>
<td>Hire 3</td>
<td>IT Support Coordinator</td>
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<td>Hire 4</td>
<td>Accounting Coordinator</td>
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<td>Admissions Coordinator</td>
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<td>Human Resources Coordinator</td>
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<tr>
<td>Hire 7</td>
<td>Facilities Manager</td>
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<tr>
<td>Hire 8</td>
<td>Security Guard 7:00am-3:00pm</td>
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<td>Hire 9</td>
<td>Security Guard 3:00pm - 11:00pm</td>
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<td>Hire 11</td>
<td>Security Guard 7:00am-3:00pm (Sat/Sun)</td>
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<td>Hire 12</td>
<td>Security Guard 3:00pm - 11:00pm (Sat/Sun)</td>
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<tr>
<td>Hire 13</td>
<td>Security Guard 11:00pm-7:00am (Sat/Sun)</td>
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<td>Receptionist / Office Assistant</td>
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<td>Meds Manager</td>
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<td>Hire 16</td>
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<td>Maid 3 weekend</td>
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<td>Gym/Yoga Instructor</td>
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<td>Chef</td>
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<td>Prep Cook</td>
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<td>Hire 30</td>
<td>Asst. Chief (Weekends)</td>
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<td>Hire 31</td>
<td>Asst. Chief (Weekends)</td>
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<td>Prep cook/server floater</td>
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<td>Prep cook / dishwasher (Weekends)</td>
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<td>Group Facilitator Detox</td>
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<td>Hire 62</td>
<td>Group Facilitator</td>
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<td>Hire 63</td>
<td>Meds Manager</td>
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<td>Hire 64</td>
<td>NOC - Client Health Support Manager</td>
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<td>NOC - Client Health Support Manager</td>
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<td>DAY - Lead Client Health Support Manager 7-3:30</td>
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<td>Hire 71</td>
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<td>Hire 72</td>
<td>SWING - Clinical Social Worker 3:00-11:00</td>
</tr>
<tr>
<td>Hire 73</td>
<td>SWING - Clinical Social Worker 3:00-11:00</td>
</tr>
<tr>
<td>Hire 74</td>
<td>SWING - Clinical Social Worker 3:00-11:00</td>
</tr>
<tr>
<td>Hire 75</td>
<td>SWING - Clinical Social Worker 3:00-11:00</td>
</tr>
<tr>
<td>Hire 76</td>
<td>SWING - Clinical Social Worker 3:00-11:00</td>
</tr>
<tr>
<td>Hire 77</td>
<td>Case Manager Supervisor</td>
</tr>
<tr>
<td>Hire 78</td>
<td>Case Manager</td>
</tr>
<tr>
<td>Hire 79</td>
<td>Case Manager</td>
</tr>
<tr>
<td>Hire 80</td>
<td>Case Manager</td>
</tr>
<tr>
<td>Hire 81</td>
<td>Case Manager</td>
</tr>
<tr>
<td>Hire 82</td>
<td>Discharge Supervisor</td>
</tr>
<tr>
<td>Hire 83</td>
<td>Discharge Coordinator</td>
</tr>
<tr>
<td>Hire 84</td>
<td>NOC - Client Support Manager <strong>Weekend</strong></td>
</tr>
<tr>
<td>Hire 85</td>
<td>NOC - Client Support Manager <strong>Weekend</strong></td>
</tr>
<tr>
<td>Hire 86</td>
<td>NOC - Client Support Manager <strong>Weekend</strong></td>
</tr>
<tr>
<td>Hire 87</td>
<td>NOC - Client Support Manager <strong>Weekend</strong></td>
</tr>
<tr>
<td>Hire 88</td>
<td>DAY - Client Health Support Managers <strong>Weekend</strong></td>
</tr>
<tr>
<td>Hire 89</td>
<td>DAY - Client Health Support Managers <strong>Weekend</strong></td>
</tr>
</tbody>
</table>
Hire 90  DAY - Client Health Support Managers Weekend
Hire 91  DAY - Client Health Support Managers Weekend
Hire 92  DAY - Client Health Support Managers Weekend
Hire 93  DAY - Client Health Support Managers Weekend
Hire 94  SWING - Clinical Social Worked Weekend
Hire 95  SWING - Clinical Social Worked Weekend
Hire 96  SWING - Clinical Social Worked Weekend
Hire 97  SWING - Clinical Social Worked Weekend
Hire 98  SWING - Client Support Manager Weekend
Hire 99  SWING - Client Support Manager Weekend

SITE IMPROVEMENTS
Improvements to the site will be made over a 120-day period and will include the following:

I. Exterior Site Improvements
   1.A Demo Existing Landscape Improvements
   1.B Demo Existing Landscaping - Entry Area
   1.B New Entry Landscaping at Entry Area B
   1.C Wrap Entry in Wood Ceramic Tile
   1.C Provide New LED Lighting Under Canopy
   1.C Luminance Signage in parking lot (not street visible)
   1.D New Main Entry Doors
   1.E Provide Canopies for Shading in Courtyards 5
   1.E Lighting Under Canopies / Throughout Courtyard
   1.E Heaters for Canopies 5
   1.E Fountains for Courtyards 4
   1.E Hardscape / Planting for Area E
   1.E Outdoor Furniture
   1.F Canopies for Shading at Main Interior Courtyard 4
   1.F Lighting Under Canopies / Throughout Interior Courtyard 1
   1.F Heaters for Canopies 4 EA
   1.F Pond for Main Interior Courtyard 1
   1.F Hardscape / Landscape in Main Interior Courtyard
   1.G Demo Existing Concrete Pavement
   1.G Provide Resort Style Swimming Pool (15x28)
   1.G Canopies for Shading at Area G 4 EA
   1.G Lighting Under Canopies / Throughout Interior Courtyard
   1.G Heaters for Canopies 4 EA
   1.G Hardscape / Landscape in Area G
   1.G Trellis at Fence 267 LF
   1.G Planter Pots 24 EA
   1.G Tree Budget 10 EA
   1.G Sand Volleyball Court
   1.G Bocce Ball Court

II. Interior Administration Area
   II.1 Paint existing T-Bar and Grid, replace damaged ceiling tile
   II.2 Replace 2x4 Lights with LED Fixtures (Avanti Direct / Indirect)
   II.4 Provide Carpet in all Offices, Conference Room, Meeting Rooms, Therapy
   II.5 Provide New Johnsonite Rubber Base throughout
   II.6 Paint Interior Walls
II.7 Remove Existing Doors & Frames 8 EA
II.8 Remove Existing Fireplaces in 120, 122 & 124, Patch & Repair Walls
II.9 Resurface Existing Fireplace w/ New Stone
II.10 Provide Power & Data in Conference Room
II.11 Provide Power & Data at 60" AFF in Meeting Rm & Conference for TV
II.12 Provide Wood Wainscot Down Main Corridor
II.13 Provide Whip for Minimum 8 Work Stations 8
II.14 Provide Card Reader for All Exterior Door Locations in Admin Area
II.15 Demolish Existing Walls in Admin Area 1
II.16 Provide new 4x8 White Board in Conference Room

III. Interior Patient Rooms
III.1 Remodel Restrooms to ADA Code Compliance
III.2 Add New Restrooms in Therapy 176 and 213
III.3 Provide Exhaust Fan in each Patient Room 32
III.4 Provide Full Ht Mirror over Sink 32
III.5 Provide New Light above Vanity in Bathroom 32
III.6 Provide New Sink & Vanity Incl Above Incl Above Incl Above
III.7 Provide New LED Can Lights in Patient Rms / 1 Decorative Fixture 32
III.8 Provide 2 Full Ht Plm Closets on Either Side of Bed 64 EA
III.9 Install Film on Existing Glass Doors 42
III.10 Provide Manual Meco Shades at Exterior Windows 41
III.11 New LVT at All Patient Rooms 1
III.12 Doors at End of Patient Wings to be Wired for Key Card Access 9
III.13 Demo Ceilings in Patient Wings
III.14 Provide New Windows on East Side of Patient Wings 5
III.15 Provide LED pendant lights where exposed ceiling will occur 6 EA
III.16 Provide New Carpet in all Offices
III.17 Provide one Specialty Pendant Light in all Offices 8 EA
III.18 Paint Existing Tbar & Tiles in Offices
III.19 Remove Existing Lay in Ceiling in Therapy Rooms
III.20 Provide New Key Card Access to all Doors in Entering / Exit Patient Wings 9 EA

III.21 Provide New Rubber Base Throughout
III.22 Security 103, Phone 105, Waiting 101 - new finishes
III.23 Remodel Existing Toilet

IV. Common Core
IV.1 Demo all Nurses Stations
IV.2 Demo Ceilings in Common Core
IV.2 MEP Upgrades in Common Core Ceiling
IV.3 Demo Flooring in Common Core Area
IV.3 Grind & Polish Slab in Common Core
IV.4 Interior Paint at Common Core
IV.5 Provide New LED lighting in Common Core 30 EA
IV.6 In Octagon Shaped Areas, Wrap Ceiling with Wood Wall Covering
IV.7 Provide Power and Data for Flat Screen
IV.8 Provide Specialty Fixture at Reception
IV.9 Provide a Total of 2 Powered Wood Framed w/ Glass Garage Doors
IV.10 Provide Power and Data to Future Coffee Cart
IV.11 Provide Power & Data to Large Flat Panel TV
IV.12 Provide Rubber Base throughout Common Core Area

V. Support Space
V.1a Install LVT Throughout
V.1b Paint all Doors, Frames & Walls
V.1c Provide Rubber Base 1
V.1d Install 12 LF Uppers and Base Cabinets
V.1d Provide 2 Power and 2 Data
V.1e Provide Power & Data for Flat Screen
V1.f Exposed Ceiling, Painted White w/ Galv Duct & LED Lights
V.1g Specialty Light Fixture
V.1h Demo Cab’s, Install LVT in Rm 154
V.1i Provide Lock at Door to Exterior 1
V.1j Install New LVT in Office 153 & Storage 1
V.2i LVT in Group Therapy, Reading, Art & Music
V.2ii Reading Romm - Full Ht Book Cases 11
V.2iii Glass Storefront @ Art/Music
V.2iv Provide Glass Doors to Exterior Courtyard 1
V.2v Specialty Lighting in Therapy Rooms 4 EA
V.2vi Provide Power & Data for Flat Screen 2 EA
V.2vii Provide Wall in Each Group Room 32 LF
V.2b Storefront Wall for Group Rooms
V.2b Window Film 1 AL
V.2b Provide new 6 ft wide Storefront Doors to Courtyard 1
V.3a Demo Classrooms 226 & 227
V.3b Install New Carpet
V.3c Provide Whip for 6 Workstations 6 EA
V.3d Create 1 10x10 Office
V.3e Card Access to Corridor 222 Door 1

VI. Back of House
VI.13 Pressure Wash & Clean Kitchen 1
VI.14 Replace Washers & Dryers with Commercial Grade
VI.15 Paint Existing Maintenance Rooms
VI.16 Remodel Restrooms in Area L
VI.17 Staff Lounge Improvements
VI.18 Provide Sealed Concrete in Corridor
VI.19 Paint and Seal Concrete in Engineering Room 434
VI.20 Conference Room Improvements
VI.21 Card Key Access into Area L

VII. Specialty Areas M
VII.1a Sealed Concrete in Ceramics Room
VII.1b Exposed Ceiling with New LED Lights
VII.1c Add Storefront Glass to North Wall Ceramics
VII.1d Provide Power in Floor for 2 Ceramic Kilns 2 EA
VII.1e Provide Venting for Kiln 2 EA
VII.1f Demo Existing Casework, Provide New Casework 12 LF
VII.2a Add Full Panel Garage Door and Glass Door to Courtyard
VII.2b Remove North Wall so it Opens to Hallway
VII.2c Seal Concrete Floor
VII.2d New LED Pendant Lights 8 EA
VII.3a Clean Rock Climbing Room Floor
VII.3b Allowance for Rock Climbing Wall Support 1 AL
VII.3d Glass Storefront at South Wall
VII.4a Clean Gymnasium Floor
VII.4b Remove Sound Baffles in Ceiling, Patch & Paint
VII.4c Add 2 Power Garage Doors in Gymnasium
VII.5a New Finishes in Men's & Women's Locker Room
VII.6a Sealed Concrete in Corridor 308 1,725 SF $
VII.6b Glass & Doors at South Wall

VIII. Medical Offices
VIII.2 New Casework in Exam Rooms 40
VIII.2 LVT Flooring in Exam Rooms
VIII.3 LVT Flooring in Offices
VIII.4 Remodel Existing Restrooms
VIII.5 Card Key Access from Corridor
VIII.6 Create New Offices Where 183 & 182 are currently
VIII.7 Remodel 184
VIII.8 Remodel Existing Toilet 191-192 2 EA
VIII.9 Remodel 190-189 into Office Space 2 EA
VIII.10 Remodel 187 into Office Space
Preliminary Landscape Plan

NOTE:
Existing parking lot trees and shading to remain. No change. Existing exterior landscaping to remain. No Change.

ATTACHMENT 5
SITE SUMMARY
ADDRESS: 1251 Stabler Lane
APN: 03-010-050
ZONE DESIGNATION: C-0 (Office Commercial District)
EXISTING SITE SIZE: +/- 5.64 AC
EXISTING BUILDING SIZE: +/- 51,000 SF

ZEN GARDEN CONCEPTS

TREE SHADE CALC - EXISTING

NORR Associates
A Professional Corporation
1633 Alhambra Blvd., Suite 100
Sacramento, CA 95816
www.norr.com
ATTACHMENT 7

AERIAL PHOTOS -- EXISTING CONDITIONS

SITE PHOTOS -- EXISTING CONDITIONS

ENTRY CANOPY IMPROVEMENTS

NOTE:
Existing building footprint to remain unchanged. No change to existing building area.

Elevations \ Exterior Views

Luminance Yuba City Campus
1251 Stabler Lane, Yuba City, California
Sutter County, California

NOTE:
This information is conceptual in nature and is subject to adjustments pending further verification and Client, Tenant, and Governmental Agency approvals. No warranties or guarantees of any kind are given or implied by the Architect.
Meeting Date: October 25, 2017

To: Chair and Planning Commission members

From: Development Services Department

Presentation By: Arnoldo Rodriguez, Development Services Director

Public Hearing: Public Hearing and Consideration of Zoning Code Amendments to prohibit outdoor cultivation of cannabis for personal use and prohibit commercial activity related to cannabis.

Project Location: Citywide

Recommendation: Conduct a public hearing and take the following actions:

1. Conduct the Public Hearing to solicit public comment;
2. Recommend that City Council concur with the determination that the text amendment does not constitute a project pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3).
3. Recommend to City Council adoption of an ordinance regulating cannabis uses.

Project Proposal:

Ordinance prohibiting outdoor cultivation of cannabis and banning all commercial cannabis activity.

Background:

The sale, delivery, and dispensing of cannabis in the State of California have been in flux since the passage of the Compassionate Use Act of 1996 (CUA). The CUA decriminalized the use of marijuana for medical purposes. Shortly thereafter in 2003, the California Legislature, per Senate Bill No. 420, adopted the Medical Marijuana Program Act (MMPA) which further permitted qualified patients and primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subjected to criminal prosecution. The California Supreme Court has held that neither the CUA nor the MMPA preempt local land use authority regarding medical marijuana, leaving cities with the authority to “allow, restrict, limit, or entirely exclude facilities that distribute medical marijuana.” (City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal. 4th 729, 762.)

Since then, the State has enacted several pieces of legislation that have decriminalized the use of marijuana, including State regulations specific to the cultivation of cannabis for both medical and recreational (i.e., nonmedical) purposes.
**Medical Cannabis**

In 2015, the Governor signed a series of bills, collectively referred to as the Medical Cannabis Regulation and Safety Act (MCRSA). [*Note, there has been a recent state trend toward using the word "cannabis" instead of marijuana in state legislation, but the meanings are the same.*] The MCRSA, established by Assembly Bill (AB) 266, AB 243, and Senate Bill (SB) 643 in 2015, establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of medical cannabis. MCRSA did not amend patients’ or caregivers’ rights to use medical marijuana for medical purposes under the CUA. Importantly, MCRSA affirmed local governments’ authority to regulate medical marijuana uses through traditional police powers, including through zoning and land use controls. The MCRSA governed exclusively medical cannabis, with state licensing to begin on January 1, 2018.

**Non-Medical Cannabis**

On November 8, 2016, California voters approved Proposition 64, which enacted the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA") concerning use and cultivation of cannabis for non-medical "adult-use." Proposition 64 permits individuals to grow up to six cannabis plants and does not allow the City to completely prohibit such indoor cultivation for personal use. The City may, however, impose reasonable regulations concerning the indoor cultivation in order to provide for the health, safety, and welfare of City residents. Proposition 64 also enacted a separate licensing scheme for state licensing of non-medical, adult-use cannabis businesses, also due to begin on January 1, 2018.

On June 27, 2017, the Governor signed Senate Bill (SB) 94, a budget trailer bill that:

- Repealed MCRSA;
- Amended Proposition 64 to incorporate many of MCRSA's provisions; and
- Retitled the "Medicinal and Adult-Use Cannabis Regulation and Safety Act" (MAUCRSA)

As a bill tied to the state budget, the bill became effective immediately. The purpose of SB 94 was to, among other things, consolidate the state licensing of commercial cannabis businesses into one comprehensive state licensing scheme. The distinction between medical and adult-use cannabis remains in the state law (designated by an "M" or an "A" prefix on the license type), but the overall licensing requirements and process is now consolidated to be the same for both medical and adult-use cannabis businesses. Accordingly, there are 20 different state license types for commercial cannabis businesses, most of them involving different types and sizes of commercial cultivation but also including licenses for manufacturing, testing laboratories, retailers, distributors, and microbusinesses. SB 94 did not alter or amend the personal cultivation provisions of Proposition 64.

It should also be noted that the Federal Controlled Substances Act (21 USC §§ 801 et seq.) classifies cannabis as a Schedule I drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute, dispense, transport, or possess cannabis for medical purposes.
**Existing City Regulations**

In response to the plethora of changes discussed above, the City has developed a regulatory scheme that is consistent with State regulations, however additional modifications are required in order to best address local desires. The following table provides a synopsis of the City’s actions pertaining to cannabis as prompted by changes in State regulations.

<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 15, 2005</td>
<td>The City enacts Ordinance 003-05 prohibiting medical marijuana dispensaries</td>
</tr>
<tr>
<td>August 16, 2011</td>
<td>Concerned residents request that City Council develop an ordinance prohibiting marijuana cultivation</td>
</tr>
<tr>
<td>March 6, 2012</td>
<td>City adopts an Interim Urgency Ordinance enacting development standards for medical marijuana cultivation</td>
</tr>
<tr>
<td>May 7, 2013</td>
<td>City adopts provisions for the cultivation of medical marijuana at private residences</td>
</tr>
<tr>
<td>January 19, 2016</td>
<td>Staff provides a memorandum to City Council summarizing the evolving regulations at the State level pertaining to marijuana</td>
</tr>
<tr>
<td>April 18, 2017</td>
<td>City adopts an Interim Urgency Ordinance prohibiting outdoor cultivation of marijuana for personal use and allows up to six plants at private residences pursuant to Proposition 64</td>
</tr>
<tr>
<td>May 16, 2017</td>
<td>City extends the Interim Urgency Ordinance for 10 months and 15 days. The Urgency Ordinance is set to sunset on June 2, 2017</td>
</tr>
</tbody>
</table>

Currently, the City narrowly defines Medical Marijuana and provides criteria for the cultivation of cannabis at private residences per an Interim Urgency Ordinance adopted on May 16, 2017.

It is worth noting that the City’s code does not currently define, regulate or prohibit non-medical cannabis uses or commercial cannabis uses, such as manufacturing, distribution, and wholesale and retail sales of cannabis.

**Proposed Ordinance:**

In light of rapidly changing state law regarding both medical and non-medical cannabis for personal and commercial purposes, staff recommends updating the Yuba City Municipal Code to clarify and further the scope of existing prohibitions and restrictions. The proposed changes include the following:

- Amending existing definitions to conform to state law changes, including use of the word "cannabis" instead of "marijuana."

- Repeal of Article 52, Chapter 5, Title 8 (*Prohibited Uses: Medical Marijuana Dispensaries*). This is recommended to simplify and clarify the regulations.

- Repeal of Article 54, Chapter 5, Title 8 (*Urgency Ordinance for marijuana cultivation*). Set to sunset on June 2, 2017, cannabis cultivation is be prohibited, sans six plants for personal use. The existing regulations would be re-enacted and added to the Municipal Code per the following bullet point.
- Re-enacting a new Article 52, Chapter 5, Title 8 (Cannabis Uses) to the Zoning Code to specifically address cannabis uses. Staff proposes expressly prohibiting commercial cannabis activity (including commercial cultivation, sales, delivery, processing, manufacturing, testing, etc.), as well as all outdoor cultivation (including outdoor cultivation for personal use). These prohibitions are discussed in greater detail below.

Prohibiting and regulating cannabis uses within a single consolidated chapter of the Zoning Code is recommended to simplify and clarify existing prohibitions while providing flexibility for future amendments. Should the City desire to permit or regulate certain types of cannabis uses at a future date, those uses can easily be added into the new cannabis chapter.

**Personal Cultivation**

At this time, staff recommends prohibiting all outdoor cultivation of cannabis in the City, including cultivation conducted for personal use. The existing provisions that regulate the indoor cultivation per the Interim Urgency Ordinance would be housed in the new ordinance chapter and would continue to allow indoor cultivation of cannabis for both medical and recreational use at private residences under specific design criteria and registration requirements. Note that per Proposition 64, personal cultivation of up to six cannabis plants at private residences, regardless of medical need, is now permitted. However, staff recommends prohibiting outdoor cultivation of cannabis in the City as an appropriate regulation that furthers the public health and welfare of the City's residents.

Table 2 provides an overview of the proposed regulations for personal cultivation. Note that the following reflect existing City regulations with the exception of updating language per SB 94.

<table>
<thead>
<tr>
<th>Residency requirement</th>
<th>A person shall reside full-time in the residence where the cannabis cultivation occurs. Cultivation shall not be conducted by a person under the age of 21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor cultivation</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Indoor cultivation in Residential Districts</td>
<td>Structures must be fully-enclosed and shall not exceed 75 square feet in area</td>
</tr>
<tr>
<td></td>
<td>May not exceed six cannabis plants</td>
</tr>
<tr>
<td>Setbacks for structures</td>
<td>10 ft. rear yard; side yard setback shall be the same as the main building</td>
</tr>
<tr>
<td>Flooring</td>
<td>May not occur on carpeted surface</td>
</tr>
<tr>
<td>Ventilation system required?</td>
<td>Yes (California Building Code Section 402.3 Mechanical Ventilation).</td>
</tr>
<tr>
<td>Lighting</td>
<td>Grow lights shall not exceed 1,200 watts</td>
</tr>
<tr>
<td>Cultivation in non-Residential Districts</td>
<td>Generally not permitted unless developed with a residential structure</td>
</tr>
<tr>
<td>Evidence of cultivation</td>
<td>The appearance of cultivation is prohibited</td>
</tr>
<tr>
<td>Registration</td>
<td>Must register with the City</td>
</tr>
<tr>
<td>Property owner approval</td>
<td>Shall be provided in writing</td>
</tr>
</tbody>
</table>
**Commercial Cannabis Activity**

The proposed ordinance specifically prohibits all commercial cannabis activities with the exception that delivery businesses from other jurisdictions that allow cannabis activities are not prohibited from utilizing public roads in Yuba City. This is a requirement from state law. While the City is required to allow these business operations to “pass though” this jurisdiction, the proposed ordinance nevertheless prohibits deliveries in Yuba City of both recreational and medical cannabis.

Table 3 provides a summary of the proposed regulations for commercial cannabis activities.

<table>
<thead>
<tr>
<th>Table 3: Synopsis of proposed regulations pertaining to commercial cannabis activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial cultivation</td>
</tr>
<tr>
<td>Sales</td>
</tr>
<tr>
<td>Dispensaries, collectives, cooperatives</td>
</tr>
<tr>
<td>Laboratory testing, research</td>
</tr>
<tr>
<td>Deliveries</td>
</tr>
<tr>
<td>Distribution, storage, manufacture, processing, packing, labeling</td>
</tr>
</tbody>
</table>

**Environmental Finding:**

State Guidelines for implementation of the California Environmental Act (CEQA) provide for the exemption of projects which will clearly have no significant effects on the environment. More specifically, Section 15061(b)(3) of the CEQA Guidelines states:

...CEQA only applies 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 in question may have a significant effect on the environment, the activity is not subject to CEQA.

It has been determined that there is no possibility of significant adverse effects as a result of this proposal given that it has no potential for resulting in physical change in the environment, directly or indirectly, as it clarifies and furthers existing prohibitions and restrictions regarding cannabis uses in the City, and does not permit or authorize new or increased intensity of uses. Therefore, the proposed ordinance is not subject to CEQA.

**Recommended Action:**

City staff recommends that the Planning Commission take the following actions:

A. Recommend that City Council concur with the determination that the text amendment does not constitute a project pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3)
B. Recommend that the City Council adopt the attached Cannabis Uses Ordinance.

Commission Action:

The Commission’s action will be considered by the City Council.

Attachments:

1. Cannabis Uses Ordinance
ORDINANCE NO. ___________________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY REGULATING CANNABIS USES

WHEREAS, in 1996 the voters of the State of California approved Proposition 215, which was codified as Health and Safety Code Section 11362.5 et seq. and entitled the Compassionate Use Act of 1996, decriminalizing the use of marijuana for medical purposes; and

WHEREAS, in 2003 the California Legislature adopted SB 420, the Medical Marijuana Program, codified as Health and Safety Code Section 11362.7 et seq., which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subjected to criminal prosecution; and

WHEREAS, in 2015 the California Legislature adopted a series of bills to enact the "Medical Marijuana Regulation and Safety Act," subsequently amended and retitled the "Medical Cannabis Regulation and Safety Act" ("MCRSA"), which established a statewide licensing scheme for commercial medical marijuana uses, including commercial-scale cultivation, manufacturing, distribution, delivery, and sale of medical marijuana; and

WHEREAS, on November 8, 2016, Proposition 64, the Control Regulate and Tax Adult Use of Marijuana Act ("AUMA"), was approved at the statewide general election which, among other things, legalized the use and possession of recreational cannabis by adults over 21 years of age; and

WHEREAS, AUMA also authorized adults 21 years of age or older to cultivate up to six living marijuana plants for non-medical purposes, and to possess, process, transport, purchase, smoke and ingest recreational (non-medical) marijuana; and

WHEREAS, Senate Bill 94 ("SB 94"), a bill tied to the State budget and signed by the Governor on June 27, 2017 to take effect immediately, repealed MCRSA and amended AUMA, retitled the "Medicinal and Adult-Use Cannabis Regulation and Safety Act" ("MAUCRSA"), to consolidate and streamline the state licensing scheme applicable to both medical and non-medical commercial marijuana activity, and to use the word "cannabis" instead of "marijuana"; and

WHEREAS, state regulations are currently being developed to address and mitigate a variety of identified environmental impacts and secondary effects related to commercial cannabis activity, including water diversion, electricity usage, agricultural discharges, use of solvents or other materials in production, and adequate security measures to protect against diversion, theft, loss or other criminal activity related to commercial storage and distribution of cannabis; and

WHEREAS, Section 8-5.5201 of the Yuba City Municipal Code currently prohibits medical marijuana dispensaries; and

WHEREAS, Article 54, Chapter 5, Title 8 of the Yuba City Municipal Code currently permits indoor cultivation at residences subject to restrictions and regulations and prohibits all outdoor cultivation: and
WHEREAS, state law authorizes the City to either prohibit or regulate commercial cannabis uses; and

WHEREAS, the City Council desires to prohibit both medical and non-medical commercial cannabis uses; and

Whereas, the City Council desires to reaffirm and clarify its regulations concerning the cultivation of cannabis and to consistently use the word “cannabis” instead of marijuana: and

WHEREAS, the City Council finds that the restrictions and prohibitions contained in this Ordinance clarify the scope and intent of the City’s existing cannabis regulations and ensures that the City’s regulations remain consistent with state law, and further prevents an unintended and unregulated increase of cannabis uses in the City unless and until such time as appropriate regulations have been developed, considered and adopted by the City; and

WHEREAS, the City Planning Commission considered this Ordinance amending the Zoning Code regarding commercial cannabis uses during a duly noticed public hearing on October 25, 2017, and voted ____________, to recommend that the City Council adopt this Ordinance and the proposed Zoning Code amendments; and

WHEREAS, the City Council finds, based on the Planning Commission’s recommendation, that this Ordinance is in general conformance with the City’s General Plan and that the public necessity, convenience, and general welfare require the adoption of this Ordinance by reaffirming and clarifying the City’s existing restrictions and regulations regarding cannabis cultivation and by prohibiting commercial cannabis uses, consistent with state law, while preserving the public health and safety of City residents; and

WHEREAS, the City Council also finds that adoption of this Ordinance preserves and clarifies the City’s intended Zoning regulations regarding cannabis uses and is intended to retain and maintain local land use authority over those uses in light of State law and State licensing of commercial cannabis uses; and

WHEREAS, the City Council finds that this Ordinance does not constitute the approval of a project under the California Environmental Quality Act (CEQA), and is categorically exempt from CEQA.

NOW, THEREFORE, the City Council of the City of Yuba City does hereby ordain as follows:

Section 1. Recitals.

The above recitals are hereby found to be true and accurate and are incorporated into this Ordinance as findings of the City Council by this reference.

Section 2. Findings.

A. The City Council hereby finds that the text amendments to the zoning code contained in this Ordinance are required for the public necessity, convenience and general welfare by preserving and clarifying the intent and scope of the City’s existing restrictions and regulations regarding cannabis cultivation uses and by prohibiting commercial cannabis uses, consistent with state law.
B. The City Council further finds, based upon the Planning Commission recommendation that this Ordinance conforms to the City’s General Plan.

**Section 3. Repeal Article 52, Chapter 5, Title 8 of the Yuba City Municipal Code.**

The existing Article 52, Chapter 5, Title 8 of the Yuba City Municipal Code prohibiting medical marijuana dispensaries is hereby repealed.

**Section 4. Repeal Article 54, Chapter 5, Title 8 of the Yuba City Municipal Code.**

The existing Article 52, Chapter 5, Title 8 of the Yuba City Municipal Code permitting indoor marijuana cultivation at residences and prohibiting all outdoor cultivation is hereby repealed.

**Section 5. Addition of Article 52, Chapter 5, Title 8 to the Yuba City Municipal Code.**

Article 52, Chapter 5, Title 8 is hereby re-enacted and added to the Yuba City Municipal Code to read as follows:

**Article 52.**

**Cannabis Uses**

**Sections**

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8-5.5201 Purpose.

It is the purpose and intent of this Article to regulate the cultivation of medical cannabis pursuant to the Compassionate Use Act (Health and Safety Code § 11362.5 (“CUA”)) or the Medical Marijuana Program Act (Health and Safety Code § 11362.7 et. seq.) (“MMPA”) and the cultivation of non-medical cannabis pursuant to Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”), and amended by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), in a manner that protects the health, safety and welfare of the public.

In addition, this Article imposes zoning restrictions on commercial cannabis businesses in the City as authorized and/or licensed by the State of California pursuant to State law. This Article is not intended to, and does not, give any person or entity independent legal authority to operate a cannabis business. Moreover, this Article is intended to implement reasonable regulations to regulate the cultivation of medical and non-medical cannabis in a manner that protects the health, safety and welfare of the public consistent with the CUA, MMPA, AUMA and MAUCRSA. Nothing in this Article is intended to authorize
the cultivation, possession or use of medical or non-medical cannabis in a manner in violation of State or Federal Law.

8-5.5202 Applicability.

No part of this Article shall be deemed to conflict with federal law, as contained in the Controlled Substances Act, nor to otherwise permit any activity that is prohibited under that Act or any other local, state, or federal law, statute, rule, or regulation. Nothing in this Article shall be construed to allow any conduct or activity relating to commercial cultivation, distribution, dispensing, sale or consumption of cannabis that is otherwise illegal under local or state law, unless expressly permitted. No provision of this Article shall be deemed a defense or immunity to any action brought against by person by the District Attorney’s office, the Attorney General of the State of California, or the United States of America.

8-5.5203 Commercial Cannabis Activity Prohibited.

(a) The establishment or operation of any business or entity engaged in commercial cannabis activity is prohibited in all zoning districts in the City. Such prohibited businesses or operations may include, but are not limited to:

1. Cannabis Distribution Facility
2. Cannabis Laboratories and Research
3. Cannabis Manufacturing
4. Medical cannabis collective, cooperative, dispensary, operator, establishment, or provider
5. The transportation, storage, distribution, or sale of cannabis, cannabis products, or cannabis accessories;
6. Delivery regardless of whether the delivery is initiated within or outside of the City, and regardless of whether a technology platform is used for delivery by a dispensary. This subsection does not apply to delivery services that are using public roads to travel through the City as permitted under state law, although such delivery services must comply with all other state laws and local ordinances as applicable.
7. Any other business licensed by the state or other government entity pursuant to the MCRSA, AUMA, or MAUCRSA as they may be amended from time to time.
8. Cannabis Cultivation unless expressly permitted by this Article.

8-5.5204 Cannabis Cultivation.

The following regulations shall apply to the cultivation of cannabis within the City:

(a) Cannabis Cultivation. It is hereby declared to be unlawful and a public nuisance for any person to cultivate medical or non-medical cannabis within the City limits, except as provided in this Article.

(b) Residency Requirement. A person cultivating cannabis shall reside full-time in the residence where cannabis cultivation occurs.

(c) Outdoor Cultivation. It is unlawful and a public nuisance for any person to cause or allow any property within the City limits to be used for the outdoor cultivation of cannabis plants.
(d) **Residential Structure Cultivation.** It is unlawful and a public nuisance for any person to cultivate cannabis inside any residential structure or building without registering with the City for cannabis cultivation; issued by the Development Services Director or his or her designee, as provided herein.

(e) **Indoor Cultivation.** The indoor cultivation of cannabis shall only be conducted within a detached, fully-enclosed and secure structure or within a residential structure conforming to the following minimum standards:

1. The registration of any detached structure, regardless of square footage, constructed, altered or used for the cultivation of cannabis must be issued by the Development Services Director.

2. Indoor grow lights shall not exceed 1,200 watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the City. Gas products (including, without limitation, CO2, butane, propane, and natural gas), or generators shall not be used within any detached structure used for the cultivation of medical or non-medical cannabis.

3. Any detached, fully-enclosed and secure structure or residential structure used for the cultivation of medical or non-medical cannabis must have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with the California Building Code Section 402.3 Mechanical Ventilation. The ventilation and filtration system must be approved by the Building Official and installed prior to commencing cultivation within the detached, fully-enclosed and secure structure or residential structure.

4. A detached, fully-enclosed and secure structure used for the cultivation of cannabis shall be located in the rear yard area of a legal parcel or premises, maintain a minimum ten foot setback from the rear yard property line and a side yard setback that is equal to the same side yard setback required for the residential lot on which the home sits, and the area surrounding the structure or back yard must be enclosed by a solid fence at least six feet in height.

5. Cannabis cultivation occurring within a residence and detached structure shall be in a cumulative area totaling no larger than 75 square feet.

6. Cultivation of cannabis within a residence and detached structure shall not exceed a total of six (6) cannabis plants, regardless of persons residing on the property.

7. Cultivation of cannabis shall not inhibit the occupancy of the residence or take place in the kitchen or bathrooms of any building.

8. Cultivation of cannabis shall not take place on any carpeted surface.

9. Cannabis cultivation for sale is prohibited.

10. Cannabis cultivation areas, whether in a detached building or inside a residence, shall not be conducted by or be accessible to persons under twenty-one (21) years of age.

11. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation occurring at the property.
(f) **Cultivation Registration.** Prior to commencing any cannabis cultivation the person(s) owning, leasing, occupying, or having charge or possession of any property where cannabis cultivation is proposed to occur must be registered with the City from the Development Services Director or his/her designee. The following information will be required with the initial registration application and subsequent extensions:

1. The owner of the property acknowledges the cultivation of cannabis at the premises on a form provided by the City.

2. The name of each person, owning, leasing, occupying, or having charge of any property where cannabis will be cultivated.

3. The name of each person who participates in the cannabis cultivation.

4. The physical site address of where the cannabis will be cultivated and a description of the growing area(s).

5. A signed consent right to entry form, acceptable to the City, authorizing City staff, including the police/planning department, authority to conduct an inspection of the detached, fully enclosed and secure structure or area of the residence used for the cultivation of cannabis upon 24 hours’ notice.

(g) **Registration Validity**

1. The initial registration shall be valid for no more than two years and may be extended in increments of two years.

2. To the extent permitted by law, any personal or medical information submitted for medical cannabis or non-medical cultivation registration or extension shall be kept confidential and shall only be used for purposes of administering this Article.

3. The Development Services Director, or his/her designee, may, in his or her discretion deny any application for a medical or non-medical cannabis cultivation registration, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such registration, or extension thereof, would be detrimental to the public health, safety, or welfare. The Development Services Director shall deny the registration for a medical or non-medical cannabis cultivation, or extension thereof, that does not demonstrate satisfaction of the minimum requirements of this Article. The denial of any registration, or extension, may within ten days after such action, be appealed to the City Manager or his/her designee. Said appeal shall be filed with the City Clerk.

4. The Finance Director may establish a fee or fees required to be paid upon filing of registration(s) as provided by this Article, which fees shall not exceed the reasonable cost of administering this Article.
8-5.5205 Violation.

An act or activity that does not comply with this Article constitutes a violation of this Article and is subject to the civil penalties and enforcement as provided in this Article.

8-5.5206 Enforcement.

(a) Public Nuisance. The violation of this Article is hereby declared to be a public nuisance.

(b) Abatement. A violation of this Article may be abated by the City Attorney by the prosecution of a civil action for injunctive relief and by the summary abatement procedure set forth in subsection (c) of this section.

(c) Summary Abatement Procedure.

(1) The enforcement official is hereby authorized to order the abatement of any violation of this Article by issuing a notice and order to abate which shall:

i. Describe the location of and the specific conditions which represent a violation of this Article and the actions required to abate the violation.

ii. Describe the evidence relied upon to determine that a violation exists, provided that the enforcement official may withhold the identity of a witness to protect the witness from injury or harassment, if such action is reasonable under the circumstances.

iii. State the date and time by which the required abatement actions must be completed.

iv. State that to avoid the civil penalty provided in subsection (c)(4) of this section and further enforcement action, the enforcement official must receive consent to inspect the premises where the violation exists to verify that the violation has been abated by the established deadline.

v. State that the owner or occupant of the property where the violation is located has a right to appeal the notice to abate by filing a written notice of appeal with the City Clerk no later than five business days from the service of the notice. The notice of appeal must include an address, telephone number, fax number, if available, and e-mail address, if available. The City may rely on any of these for service or notice purposes. If an adequate written appeal is timely filed, the owner or occupant will be entitled to a hearing as provided in subsection (c)(3) of this section.

vi. State that the order to abate the violation becomes final if a timely appeal is not filed or upon the issuance of a written decision after the appeal hearing is conducted in accordance with subsection (c)(3) of this section.

vii. State that a final order of abatement may be enforced by application to the superior court for an inspection and/or abatement warrant or other court order.

viii. State that a final order to abate the nuisance will subject the property owner and the occupant to a civil penalty of $250 for each day that the violation continues after the date by which the violation must be abated as specified in the notice and order to abate. The
penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

(2) The notice described in subsection (c)(1) of this section shall be served in the same manner as a summons in a civil action in accordance with Civil Procedure Code Part 2, Title 5, Chapter 4, Article 3 (§ 415.10 et. seq.), or by certified mail, return receipt requested, at the option of the City. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of not less than ten days and publication thereof in a newspaper of general circulation pursuant to Government Code § 6062.

(3) Not sooner than five business days after a notice of appeal is filed with the City Clerk, a hearing shall be held before the City Manager or a hearing officer designated by the City Manager to hear such appeals. The appellant shall be given notice of the date, time and place of the hearing not less than five days in advance. The notice may be given by telephone, fax, e-mail, personal service or posting on the property. At the hearing, the enforcement official shall present evidence of the violation, which may include, but is not limited to, incident and police reports, witness statements, photographs, and the testimony of witnesses. The property owner and the occupant of the property where the violation is alleged to exist shall have the right to present evidence and argument in their behalf and to examine and cross examine witnesses. The property owner and property occupant are entitled at their own expense to representation of their choice. At the conclusion of the hearing, the City Manager or hearing officer shall render a written decision which may be served by regular first class mail on the appellants.

(4) A final notice and order to abate the nuisance will subject the property owner or owners and any occupant or occupants of the property who are cultivating cannabis in violation of this Article to a civil penalty of $250 for each day that the violation continues after the date by which the violation must be abated as specified in the final notice and order to abate.

(5) The enforcement official or the City Manager or hearing officer hearing an appeal pursuant to subsection (c)(3) of this section may reduce the daily rate of the civil penalty for good cause. The party subject to the civil penalty shall have the burden of establishing good cause, which may include, but is not limited to, a consideration of the nature and severity of the violation, whether it is a repeat offense, the public nuisance impacts caused by the violation, and the violator’s ability to pay. The daily penalty shall continue until the violation is abated. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

8-5.5207 Remedies and Penalties Not Exclusive.

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other civil, or administrative remedy or penalty authorized by, or set forth in, the Yuba City Municipal Code. None of the penalties or remedies authorized by, or set forth in the Yuba City Municipal Code shall prevent the City from using any other penalty or remedy under state statute which may be available to enforce this Article or to abate a public nuisance.

8-5.5208 Definitions.

The following words and phrases shall have the following meanings when used in this Article:
(a) “Bedroom” shall mean a room inside a residential building being utilized by any person for sleeping purposes.

(b) “Cannabis” means all or any parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis, and cannabis as defined by section 11018 of the California Health and Safety Code, as it may be amended. For purposes of this Article, “cannabis” means and includes both cannabis for medical purposes and non-medical, “adult-use” purposes, unless otherwise specified, but does not include industrial hemp.

(c) “Commercial cannabis activity” means and includes any and all commercial cannabis uses authorized by the state of California and subject to state licensing, including but not limited to cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided in state law, including wholesale and resale of cannabis for medical or non-medical adult use, and including any business, person or entity that conducts or engages in these commercial cannabis activities, regardless of whether a state license has issued.

(d) “Cannabis distribution facility” means any facility engaged in the procurement, temporary storage, non-retail sales, and transport of cannabis or cannabis products between State-licensed cannabis business, including warehouses and similar structures.

(e) “Cannabis laboratories and research” means a laboratory, facility, or entity that offers or performs tests or testing of cannabis or cannabis products. It includes start-up or incubator research activities, which typically include but are not limited to research, design, analysis, development, and/or testing of a cannabis product, and laboratories or facilities engaged in scientific research studies, investigation, testing, or experimentation, but not including cannabis manufacturing or sales of cannabis.

(f) “Cannabis manufacturing” means the compounding, blending, extracting, infusing, or otherwise making or preparing a cannabis product. For purposes of this Article, cannabis manufacturing expressly includes the production, preparation, propagation, processing, or compounding of cannabis or cannabis products directly or indirectly, including through extraction and/or chemical synthesis methods. Cannabis manufacturing may include distribution of wholesale products from the premises, but shall not include any retail sales of cannabis or cannabis products or other sales to consumers.

(g) “Cultivation” shall mean the planting, growing, harvesting, drying, or processing of cannabis plants or any part thereof.

(h) “Delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.
(i) “Detached, fully-enclosed and secure structure” shall mean a building completely detached from a residence that complies with the Yuba City 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.

(j) “Rear yard” shall mean the rear open space portion of any premises, whether fenced or unfenced.

(k) “Residential structure” or “residence” or “private residence” shall mean any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, and includes a house, an apartment unit, a mobile home, or other similar dwelling.

(l) “Solid fence” shall mean a fence constructed of substantial material (such as wood) that prevents viewing the contents from one side to the other.

Section 5. Severability.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intend that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. CEQA.

The City Council hereby determines that this ordinance is exempt from environmental review under the California Environmental Quality Act because it can be seen with certainty it will not have a significant effect on the environment (CEQA Guideline 15061(b)(3)).

Section 7. Effective Date.

This ordinance shall be effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage, and shall be published as provided by law.

Section 8. Publication.

This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the _____ day of ____________, 2017, and passed and adopted at a regular meeting held on the _____ day of ____________, 2017.

AYES:  
NOES:  
ABSENT:
Stanley Cleveland, Jr., MAYOR

ATTEST:

Patricia Buckland, City Clerk

Approved as to form:

Tim Hayes, City Attorney