

REPORT TO THE CITY COUNCIL



DATE: July 18, 2017

TITLE: Extension of Interim Urgency Ordinance No. 618 - Adopting a One-Year Moratorium on the Establishment of any Medical Marijuana Facility Located in the 207 Acre Area North of the I-10 Freeway and West of Palm Drive, and South of Varner Road, Excepting APN 669-150-002

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Reviewed by: Jennifer Mizrahi, City Attorney

RECOMMENDATION

- 1) Staff Report;
- 2) Questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take Public Testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions to Staff; and
- 7) Approve: A) Certification of CEQA Exemption; B) Adopt an Ordinance Establishing a 22 month and 15 day Moratorium on Medical Marijuana Facilities located in the 207 acre Area North of the I-10 Freeway, and West of Palm Drive, and South of Varner Road, and Excepting APN 669-150-002 (The Desert Land Ventures Mixed Use Project); and C) Adoption of Government Code Section 65858 (d) Report.

BACKGROUND

On June 20, 2017, after a duly noticed public hearing, the City Council adopted Interim Ordinance No. 618, temporarily prohibiting Medical Marijuana Facilities in the I-L Zone within the defined 207 acre area north of the I-10 Freeway, west of Palm Drive, and south of Varner Road - with the exception of one APN which is the Desert Land Ventures Mixed Use Development Project, which proposed project is in process ("Underlying Ordinance").

DISCUSSION

Pursuant to Government Section 65858, the Underlying Ordinance shall be of no further force and effect 45 days from its date of adoption, if not extended. The Underlying Ordinance would expire on August 4, 2017. However, the City Council may extend the Underlying Ordinance for a period of 22 months and 15 days from the expiration date (August 4, 2017). The proposed Ordinance before the Council on July 18, 2017, proposed to extend the Underlying Ordinance for a period not to exceed 22 months and 15 days ("Extension Ordinance").

Noticing

Notice of the Underlying Ordinance (in June) and the proposed Extension Ordinance (on July 7, 2017) were noticed in the Desert Star Weekly. Further, notice pursuant to the Ralph M. Brown Act (72 hours) was also provided of the Extension Ordinance.

Environmental / CEQA

Staff has found the Extension of Interim Urgency Ordinance to be exempt from further CEQA review, pursuant to Section 15262 (Feasibility and Planning Studies). Environmental Studies are being prepared as part of the 2018 Citywide Comprehensive General Plan Update.

The City Council further finds that adoption of this Extension Ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14 California Code of Regulations section 15061, subsection (b)(3), in that the proposed ordinance involves a

proactive measure to prohibit Medical Marijuana Facilities or any use or facility whatsoever related to medical or recreational marijuana within the Subject Area and does not have the potential to significantly impact the environment.

FISCAL IMPACT:

There are no direct fiscal impacts.

EXHIBITS:

- 1) Extension Ordinance
- 2) Government Section 65858(d) Report