

REPORT TO THE PLANNING COMMISSION



DATE: September 12, 2017

TITLE: An Ordinance of the City Council of the City of Desert Hot Springs, Amending Chapter 17.180 to Include Recreational/Adult Use

Prepared by: Jennifer Mizrahi, City Attorney

RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Public Testimony;
- 5) Close the Public Hearing;
- 6) Planning Commission discussion and questions to Staff; and
- 7) That the Planning Commission makes a recommendation to the City Council to adopt the attached Ordinance.

BACKGROUND:

The City of Desert Hot Springs ("City") is a charter city organized pursuant to Article XI of the California Constitution. The City adopted an ordinance to allow for manufacturing, testing, and distribution of medical marijuana, in addition to cultivation and dispensing. However, the City currently does not allow the same "uses" for recreational/adult use.

The Control, Regulate and Tax Adult of Marijuana Act (AUMA), an initiative measure enacted by the approval of Proposition 64 at the November 8, 2016, statewide general election, commencing January 1, 2018, allows for recreational use of marijuana. In late June of 2017, the State enacted SB 94, which overhauled the State marijuana scheme by repealed the Medical Cannabis Regulation and Safety Act (MCRSA), and by setting forth several new provisions. In essence, SB 94 consolidated the provisions of both medical and recreational marijuana into the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). MAUCRSA generally imposes the same requirements on both commercial medicinal and commercial adult-use cannabis activity. It also allows cities and other local agencies great deference as to whether they would like to regulate marijuana activities in their respective jurisdictions.

Accordingly, the City would like to expand their current regulations to including provisions for adult use/recreational Marijuana Facilities.

ORDINANCE:

Staff has prepared the attached draft Ordinance to allow Recreational Marijuana uses.

EXHIBITS:

- 1) Draft Ordinance (Clean)
- 2) Draft Ordinance (Redline)