

REPORT TO THE CITY COUNCIL



DATE: October 17, 2017

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

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RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from the City Council;
- 3) Open the Public Hearing;
- 4) Take testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions to Staff; and
- 7) Introduce for First Reading and read by title only: "An Ordinance of the City Council of the City of Desert Hot Springs amending Chapter 17.180 of the Desert Hot Springs Municipal Code to include recreational (Adult Use).

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 Adult Use 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 repealing 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.

On October 10, 2017, the Planning Commission recommended 4-0 that the City Council adopt the attached Ordinance. In particular, the Planning Commission suggested 1) Microbusinesses be allowed in both the Commercial and Industrial Districts of the City and 2) that once the state manufacturing regulations are in place, that the manufacturers abide by those regulations, regardless of what manufacturing regulations are contained in Subsection 17.180.060. These two edits suggested by the Planning Commission are in the attached Ordinance.

ORDINANCE:

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

EXHIBITS:

- 1) Draft Ordinance – Redline Version
- 2) Draft Ordinance – Clean Version