

## REPORT TO THE CITY COUNCIL

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**DATE:** December 12, 2017

**TITLE:** An Ordinance and Urgency Ordinance Amending All Validly Approved Medical Marijuana Cultivation, Manufacturing, Testing, Distribution and Dispensary Development Agreements, Entitlements, Permits and Licenses That Are in Good Standing With the City to Include Recreational/Adult Marijuana Use

**Reviewed by:** Jennifer Mizrahi, City Attorney

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### RECOMMENDATION

- 1) Introduce for First Reading and read by title only, “An Ordinance of the City Council of the City of Desert Hot Springs amending all validly approved medical marijuana cultivation, manufacturing, testing, distribution and dispensary Development Agreements, Entitlements, Permits and Licenses that are in good standing with the City to include recreational/adult marijuana use; and
- 2) Adopt and read by title only, “An URGENCY Ordinance of the City Council of the City of Desert Hot Springs amending all validly approved medical marijuana cultivation, manufacturing, testing, distribution and dispensary Development Agreements, Entitlements, Permits and Licenses that are in good standing with the City to include recreational/adult marijuana use.

### PROCEDURE:

This agenda item has two similar ordinances: 1) an Urgency Ordinance amending all validly approved medical marijuana cultivation, manufacturing, testing, distribution and dispensary development agreements, entitlements, permits and licenses that are in good standing with the city to include recreational/adult marijuana use., and 2) a NON-Urgency Ordinance doing same.

The Urgency Ordinance needs a 4/5 vote of the Council, needs to be supported by findings (which are including in the Urgency Ordinance) and it takes effect immediately. That said, the Non-Urgency Ordinance (which is also include in this agenda item) is an identical ordinance without the “urgency findings.” The Non-Urgency Ordinance is like any other ordinance- requires a majority vote and takes effect 30 days after its second reading. This is two-pronged approach is common practice as a belts and suspenders approach.

### BACKGROUND:

The City of Desert Hot Springs (“City”) is a charter city organized pursuant to Article XI of the California Constitution. Chapter 5.50 “Medical Marijuana Facilities Regulatory Permit,” of the Desert Hot Springs Municipal Code (“DHSMC”) establishes standards for granting permits to Marijuana Facilities within the City. Chapter 17.180, of the DHSMC establishes zoning regulations and development standards for Marijuana Facilities, as that term is defined, within the City;

Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), repealed the Medical Marijuana Regulation and Safety Act (California Business and Professions Code sections 19300-19360), and incorporated certain provisions of that act into the Adult Use of Marijuana Act (California Business and Professions Act sections 26000-26211). As a result of the passage of the MAUCRSA, the State of California combined regulations for the use of medical and adult use marijuana into one regulatory scheme located under California Business and Professions Code sections 26000 to 26211. The City adopted an ordinance, codified in Chapter 17.180 of the DHSMC to allow for manufacturing, testing, and distribution of both

medical and recreational marijuana, in addition to cultivation and dispensing. DHSMC Chapter 5.50 was amended to reflect the recent changes to Chapter 17.180 of the DHSMC.

Several City- issued entitlements (including but not limited to development agreements and conditional use permits), permits and licenses (collectively “Approvals”) have been issued or approved which only granted medical marijuana to be dispensed, cultivated, manufactured, tested or distributed, but not recreational marijuana. The Ordinances permit recreational marijuana as a use as part of the already-approved Approvals.

**FISCAL IMPACT:**

None.

**EXHIBITS:**

- 1) Ordinance
- 2) Urgency Ordinance