

REPORT TO THE CITY COUNCIL



DATE: April 3, 2018

TITLE: An Ordinance Amending All Validly Approved Development Agreements Regarding Marijuana Facilities That Are In Good Standing with the City to Include All Forms of Marijuana Uses, Including But Not Limited to Existing And Future Marijuana Uses as Described in The Desert Hot Springs Municipal Code, Currently Codified in Chapter 17.180, Including, But Not Limited to Manufacturing, Testing, and Distribution

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RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions from Councilmembers to Staff;
- 3) Open the Public Hearing;
- 4) Take Testimony of those in Favor;
- 5) Take Testimony of those Opposed;
- 6) Take Testimony of those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion; and
- 9) Introduce for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending all validly approved Development Agreements regarding marijuana facilities that are in good standing with the City to include all forms of marijuana uses, including but not limited to existing and future marijuana uses as described in the Desert Hot Springs Municipal Code, currently codified in Chapter 17.180, including, but not limited to manufacturing, testing, and distribution."

DISCUSSION

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 Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), repealed the Medical Marijuana Regulation and Safety Act (California Business and Professions Code sections 19300-19360), and incorporated certain provisions of that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 Development Agreements have been issued or approved which only granted a specific use (i.e cultivation), but that does not allow the developer to perform other uses of marijuana as so allowed in the DHSMC, such as manufacturing, testing or distributing. The City would like to allow holders of Development Agreements to be able to take advantage of all of marijuana uses outlined in Chapter 17.180, as may be amended. The proposed Ordinance allows for all validly approved Development Agreements of Marijuana Facilities that are in good standing with the

City to now include all forms of marijuana uses, including but not limited to existing and future marijuana uses as described in the Desert Hot Springs Municipal Code, as may be amended, currently codified in Chapter 17.180, including, but not limited to manufacturing, testing, and distribution. The proposed Ordinance further provides that if any state law is implemented due to any change in the Development Agreement, including the California Environmental Quality Act ("CEQA"), the applicant would need to comply therewith.

FISCAL IMPACT

None.

EXHIBITS

- 1) Draft Ordinance Amending Previously Approved DA's to Allow for all Ancillary Cultivation Uses