



Legislation Text

File #: ORD 17-0030-U, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Mark Danaj, City Manager

FROM:

Anne McIntosh, Community Development Director
Laurie B. Jester, Planning Manager
Angelica Ochoa, Associate Planner

SUBJECT:

Public Hearing to Consider Extending Urgency Ordinance No. 17-0025-U for the Prohibition of Cannabis Activity in the Coastal Zone of the City and Issuance of an Alleviation Report (Community Development Director McIntosh).

**CONDUCT PUBLIC HEARING, ISSUE ALLEVIATION MEASURES REPORT, AND
ADOPT ORDINANCE NO. 17-0030-U EXTENDING THE INTERIM ZONING
ORDINANCE FOR A PERIOD OF 10 MONTHS AND 15 DAYS**

RECOMMENDATION:

Staff recommends that the City Council issue the attached report pursuant to Government Code Section 65858(d) and adopt Urgency Ordinance No. 17-0030-U approving a 10 month and 15-day extension of the Urgency Ordinance No. 17-0025-U prohibiting cannabis activity in the Coastal Zone of the City and to allow limited indoor cannabis cultivation consistent with State law.

FISCAL IMPLICATIONS:

There is no direct fiscal impact associated with the adoption of the attached Ordinance. However, responding to state licensing authorities and ongoing code enforcement may require additional staff time.

BACKGROUND/DISCUSSION:

On September 13, 2017, the Planning Commission conducted a duly noticed public hearing and adopted Resolution No. 17-07 recommending that the City Council adopt proposed text Amendments to Title 10 and Title A to prohibit commercial cannabis and allow limited indoor cannabis.

After receiving public testimony at a public hearing on October 17, 2017, the City Council introduced Ordinance Nos. 17-0024 and 17-0025, Amendments to the Municipal Code Chapter 4.136 and adding Chapter 10.82 and A.82, the Local Coastal Program. A second reading was held on November 7, 2017 and both ordinances were adopted. Resolution No. 17-0131 was also adopted authorizing

submission of Ordinance No. 17-0025 to the California Coastal Commission.

Urgency Ordinance, ORD 17-0025-U, was also adopted on October 17th and became effective immediately in the Coastal Zone. The California Coastal Commission is required to review and certify the Local Coastal Program Amendment prior to Ordinance No. 17-0025 becoming effective, which will not occur until after January 1, 2018 when the State regulations go into effect. Therefore, an Urgency Ordinance was prepared to bridge the gap and maintain local control in the Coastal zone.

Adoption of these Ordinances will maintain the City's existing prohibition on commercial cannabis activities and ensures that the City will maintain local control over cannabis businesses once the State commences to issue licenses for commercial cannabis activity on January 1, 2018. At a later date, the City Council may provide additional direction to allow some commercial cannabis activities and that will require an Amendment through a noticed public hearing process.

The Urgency Ordinance (Ordinance No. 17-0030-U) will be effective for 10 months and 15 days, expiring on October 16, 2018, with the possibility of extension for an additional year in the Coastal Zone of the City. The proposed Ordinance prohibits all commercial cannabis activity (both medical and non-medical) and allows the indoor cultivation of up to six cannabis plants for personal use in a private residence, or inside a full enclosed and secured structure located at a residential site.

The City Council must make the following finding to adopt the Interim Urgency Ordinance and it must pass by a four-fifths vote:

There is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.

Staff is requesting the City Council extend Ordinance No. ORD 17-0025-U, and adopt Ordinance No. 17-0030-U extending the interim zoning ordinance and issue a report describing the measures taken to alleviate the conditions.

PUBLIC OUTREACH/INTEREST:

A notice (1/4 page ad) of tonight's meeting was published in the Beach Reporter on November 9, 2017. A copy of the notice was mailed to the California Coastal Commission and all interested parties.

ENVIRONMENTAL REVIEW

It can be seen with certainty that there is no possibility the adoption of this Ordinance would have a significant effect on the environment, because the Ordinance will impose greater limitations on development in the City by temporarily prohibiting new health care facilities, and will thereby serve to reduce potential significant adverse environmental impacts. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

ALLEVIATION MEASURES REPORT:

Pursuant to Government Code Section 65858, ten days before the expiration of an interim ordinance, the City Council shall issue a written report describing the measures take to alleviate the condition

which led to the adoption of the ordinance. In order to comply with this section, the City has prepared the attached report.

The following measures have been taken to alleviate the conditions that led to the adoption of the Urgency Ordinance:

1. City staff has implemented regulations to prohibit the commercial activity of cannabis and limit indoor cannabis at private residences throughout the City and Coastal zone.
2. City staff has also implemented regulations to prohibit the delivery or cannabis and cannabis products, which originate or terminate in the City.

LEGAL REVIEW

The City Attorney has reviewed this report and approved as to form the interim ordinance.

Attachments:

1. Government Code Section 65858 (d) Written Report
2. Draft Interim Ordinance No. 17-0030-U
3. Ordinance No. 17-0025-U (Adopted October 17, 2017)