



## Legislation Details (With Text)

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Staff Report for New FIRST READING AND PASS TO PRINT of the Medical Marijuana Dispensary Ordinance

### SUMMARY AND RECOMMENDATIONS

Staff requests that the City Council approve for first reading and pass to print the medical marijuana dispensary ordinance.

### BACKGROUND

Since the expiration of the moratorium on the issuance of land use entitlements related to uses involving medical marijuana dispensaries expired on October 1, 2012 the City Council has reviewed, taken public comment, held several meetings and provided comments upon a draft ordinance that would allow the operation of and impose regulations upon medical marijuana dispensaries in the City.

At the City Council's direction, staff presents for a new first reading an ordinance regulating medical marijuana dispensaries' establishment and operations. At the City Council's direction the following amendments were made by motion on the first reading to pass to print the ordinance after its initial first reading: The ordinance will take effect thirty days after its adoption at second reading; one dispensary permit shall be issued; and high definition cameras or other technology that provides high resolution video and recording capability shall be implemented as part of a dispensary's security operations. At the City Council's meeting of November 18, 2013, the City Council provided direction to include an additional locational restriction, to wit, that a dispensary cannot locate 1,000 feet from facilities for religious worship and incidental religious education. This was a substantive change to the proposed ordinance, which necessitates this new first reading of the proposed ordinance.

Two public presentations on the necessary amendments to the City's Zoning Code -- one before the Board of Zoning Adjustments for review and comment, and one before the Planning Commission for review and a recommendation -- will be scheduled. Those two presentations will include a review of

the adopted ordinance, and staff recommended amendments to the Zoning Code to bring the Zoning Code into compliance with the ordinance. The proposed Zoning Code amendments, including the comments from the Board of Zoning Adjustments, and the comments and recommendation from the Planning Commission, will be presented to the City Council for its approval in Spring, 2014.

Staff proposes the following implementation schedule:

1. Approval of the first reading of the ordinance. (December 2, 2013)
2. The ordinance will be placed on a subsequent meeting's agenda for second reading. (currently scheduled for December 16, 2013)
3. Staff will present the approved ordinance and amendments to the Zoning Code to the Board of Zoning Adjustments and Planning Commission. The Board of Zoning Adjustments and the Planning Commission will both hold public hearings on the proposed Zoning Code amendments (February / March 2014)
4. Staff will engage a consultant to assist the City with the drafting, preparation, and administration of a Request for Proposal (RFP) process to determine which medical marijuana dispensary operator should be recommended for award of a dispensary permit. (February - August 2014)
5. Staff will present for City Council approval a resolution amending the City's fee schedule to add a non-refundable medical marijuana dispensary permit application fee, and an annual medical marijuana dispensary permit review fee. (February - June 2014)
6. Staff will prepare materials for a ballot measure to approve a percentage of gross receipts tax (or other similar legally permissible calculation method) for placement on the November 2014 general election ballot. (By June 2014)
7. Permitted dispensary to identify location and negotiate/sign lease, construction plans for improvements submitted for review and permitting, improvements constructed, dispensary to open. (August 2014 - December 2014)

### **Previous Actions**

- October 4, 2010: The City Council passed An Interim Urgency Ordinance Prohibiting Consideration and Approval of Use Permits, Variances, Building Permits, Start of New Construction, or Other Entitlements for Any Establishment or Operation of Medical Marijuana Dispensaries, Marijuana Cultivation Facilities, or Other Land Uses that Could Be Proposed Should Prop 19 Be Approved by Voters for a Forty-Five Day Period.
- November 15, 2010: The City Council extended the Interim Urgency Ordinance to October 1, 2012.
- May 16, 2011: The City Council heard and did not pass an ordinance that would prohibit the establishment of medical marijuana dispensaries in the City. The moratorium continued in effect.
- June 18, 2012: The City Council directed staff to prepare an ordinance prohibiting the establishment and operation of medical marijuana dispensaries with a sunset date.
- July 2, 2012: The City Council took no action on an ordinance prohibiting the establishment and operation of medical marijuana dispensaries with a sunset date.
- July 16, 2012: The City Council directed the City Council Rules and Communications Committee to work with staff on an ordinance that would permit the establishment and operation of medical marijuana dispensaries within the City.
- November 1, 2012: The City Council Rules and Communications Committee approved the proposed ordinance, and forwarded it to City Council for review and comment.
- December 3, 2012: Action item (Prior to the Action item, the City Council accepted the

11/07/2012 Rules and Communications Committee highlights and its recommendation to consider the proposed medical marijuana ordinance.). There was a consensus amongst the City Councilmembers to hold a City Council work session in February 2013 to receive public input on the draft medical marijuana dispensary ordinance.

- February 12, 2013: Special meeting: “Staff Presentations including Background Information and Next Steps for Development of Proposed Medical Marijuana Dispensaries Ordinance.”
- May 20, 2013: City Attorney Report on *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* Regarding California Supreme Court’s Decision on Medical Marijuana Dispensaries.”
- September 16, 2013: City Council directed staff to prepare for first reading (pass-to-print) an ordinance regulating the establishment and operation of two (2) medical marijuana dispensaries.
- November 4, 2013: City Council held a first reading and passed to print an ordinance permitting one medical marijuana dispensary to operate in the City.
- November 18, 2013: City Council held a second reading, and directed staff to bring the ordinance back for a new first reading with changes to the ordinance.

## ATTACHMENTS

None

**PREPARED BY:** Richard D. Pio Roda, City Attorney

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