



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: December 8, 2015
SUBJECT: Zone Text Amendment No. 23-15
APPLICANT: City of Carson
REQUEST: To consider adoption of an Ordinance to prohibit medical marijuana dispensaries, mobile dispensaries, and marijuana cultivation in all zones
PROPERTY INVOLVED: City-wide

COMMISSION ACTION

COMMISSIONERS' VOTE

| <u>AYE</u> | <u>NO</u> | | <u>AYE</u> | <u>NO</u> | |
|------------|-----------|---------------------|------------|-----------|----------|
| | | Chairman Diaz | | | Mitoma |
| | | Vice-Chair Madrigal | | | Pimentel |
| | | Andrews | | | Post |
| | | Fe'esago | | | Thomas |
| | | Guidry | | | |

I. Introduction

In October 2015, Governor Brown signed into law three bills that comprise the California Medical Marijuana Regulation and Safety Act. This new law requires immediate action from cities intending to prohibit medical marijuana cultivation. If the City does not have expressed prohibitions for medical marijuana cultivation in place by March 1, 2016, the State Department of Food and Agriculture will become the sole licensing authority for medical marijuana cultivation applicants. In addition, the City Attorney's office has recommended that the City to take measures to expressly prohibit medical marijuana dispensaries, deliveries and mobile dispensaries.

II. Background

Proposed Amendment to the Ordinance

In response to new state law, the City Attorney's Office recommends the following actions by the City:

1. Amend the Zoning Ordinance to remove section 9191.391.5 (Definition of Medical Marijuana Dispensary) which is subject of this staff report.
2. Amend the Carson Municipal Code to include expressed prohibitions on medical marijuana dispensaries, deliveries and mobile dispensaries, and cultivation which will be presented to the City Council on January 19, 2016.

III. Analysis

Section 9191.391.5 of the Zoning Ordinance includes a definition and prohibition of medical marijuana dispensaries. According to the City Attorney's Office, the existing ordinance is not the most effective approach to prohibit medical marijuana and recommends amending the ordinance to remove this reference. After Planning Commission action, this text amendment will be presented to the City Council on January 19, 2016.

In addition, the City Attorney's Office recommends adoption of a new ordinance and an urgency ordinance in order to comprehensively address and prohibit all forms of medical marijuana including dispensaries, deliveries, mobile dispensaries and cultivation. This proposed ordinances will also be presented to the City Council for consideration on January 19, 2016. Therefore, at the same meeting, the City Council would remove the definition and prohibition of medical marijuana dispensaries and adopt the prohibition of all forms of medical marijuana including dispensaries, deliveries, mobile dispensaries and cultivation. Adoption of the new urgency ordinance in January would allow the City to meet the March 1, 2016 deadline.

IV. Environmental

The adoption of Text Amendment No. 23-15 is exempt from CEQA pursuant to Section 15061(b)(3) of the Guidelines because the proposed zoning ordinance text amendment is an update and improvement to the existing standards and guidelines in the Carson Municipal Code and is exempt under the general rule. The text amendment will generate no direct significant environmental impacts.

V. Recommendation

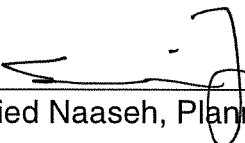
If the Planning Commission is inclined to recommend approval of the zoning ordinance amendment and the associated CEQA finding to the City Council, staff recommends the Planning Commission:

- **ADOPT RESOLUTION NO. _____:**
 - **RECOMMENDING APPROVAL** of a finding that the adoption of this ordinance amendment is exempt from CEQA pursuant to Section 15061(b)(3), because there is no possibility that the activity may have a significant effect on the environment; and
 - **RECOMMENDING APPROVAL** to the City Council an Ordinance to adopt Text Amendment No. 23-15 removing Section 9191.391.5 of the Carson Municipal Code.

VI. Exhibits

1. Resolution

Prepared by: 
Richard Rojas, AICP, Senior Planner

Reviewed and Approved by: 
Saied Naaseh, Planning Manager

**CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 15 - _____**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL TO ADOPT TEXT AMENDMENT NO. 23-15, TO PROHIBIT MEDICAL MARIJUANA DISPENSARIES, DELIVERY AND CULTIVATION, BY REMOVING SECTION 9191.391.5 (MEDICAL MARIJUANA) OF PART 9 (DEFINITIONS) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING), AND RECOMMENDING APPROVAL OF A FINDING OF AN EXEMPTION UNDER CEQA GUIDELIENES §15061(b)(3)

WHEREAS, in October 2015, Governor Brown signed into law three bills that comprise the California Medical Marijuana Regulation and Safety Act;

WHEREAS, the California Medical Marijuana Regulation and Safety Act requires immediate action from cities intending to prohibit medical marijuana deliveries, mobile dispensaries and cultivation in their community; and

WHEREAS, it is the recommendation of the City Attorney to amend the zoning ordinance to remove Section 9191.391.5 (Medical Marijuana Dispensary) and adopt a new ordinance expressly prohibiting medical marijuana dispensaries, deliveries, mobile dispensaries and cultivation in order to provide the City of Carson with a comprehensive and clear prohibition on medical marijuana activities.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. Text Amendment No. 23-15 was assessed in accordance with the authority and criteria in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The Planning Commission hereby recommends finding and determination by the City Council that the adoption of Text Amendment No. 23-15 is exempt from CEQA pursuant to Section 15061(b)(3) of the Guidelines because the proposed zoning ordinance text amendment is an update and improvement to the existing standards and guidelines in the Carson Municipal Code and is exempt under the general rule. The text amendment will generate no direct significant environmental impacts.

Section 2. The Planning Commission of the City of Carson has reviewed Text Amendment No. 23-15, and hereby finds it is consistent with the General Plan and all applicable Specific Plans.

EXHIBIT NO. 01



Section 3. The Zoning Ordinance should be updated to remove the definition of Medical Marijuana Dispensaries. The Planning Commission finds that this amendment is reasonable and necessary for the public health, safety, convenience, and welfare.

Section 4. The Planning Commission hereby recommends approval to the City Council of an Ordinance of to adopt Text Amendment No. 23-15 by removing Section 9191.391.5 (Medical Marijuana Dispensary) of Part 9 (Definitions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning), a recommended draft of which is attached as Exhibit B.

Section 5. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Carson.

PASSED, APPROVED AND ADOPTED THIS 8th DAY OF DECEMBER, 2015.

CHAIRMAN

ATTEST:

SECRETARY

EXHIBIT B

9191.391 Manufactured Home.

Shall mean a transportable structure which in the traveling mode is eight (8) feet or more in width and forty (40) feet or more in length and is a minimum of three hundred twenty (320) square feet and which is built on a permanent chassis and is designed to be used as a dwelling with a permanent foundation. (Ord. 03-1290, § 6)

9191.391.5 Medical Marijuana Dispensary.

~~“Medical marijuana dispensary” means any establishment, business, enterprise, or location where marijuana is distributed, transmitted, given, or otherwise provided to qualified patients or primary caregivers in accordance with California Health and Safety Code Sections 11362.5 through 11362.83, inclusive, commonly referred to as “The Compassionate Use Act of 1996” and Senate Bill 420. A “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses is otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Health and Safety Code Division 2, Chapter 1; a health care facility licensed pursuant to Health and Safety Code, Division 2, Chapter 2; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Health and Safety Code, Division 2, Chapter 3.01; a residential care facility for the elderly licensed pursuant to Health and Safety Code, Division 2, Chapter 3.2; a residential hospice or a home health agency licensed pursuant to Health and Safety Code, Division 2, Chapter 8; as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq. Medical marijuana dispensaries are prohibited in the City of Carson. (Ord. 08-1410, § 10)~~

9191.392 Mini-Mart, Indoor.

Shall mean an indoor retail sales establishment for the purpose of selling new merchandise where two (2) or more individual sellers rent, lease or otherwise purchase the right to sell their products. Indoor mini-mart includes businesses conducted in a common room or rooms of a building but does not include businesses conducted in a single tenant commercial building, a multiple tenant commercial building that has separate primary exterior entrances for each tenant, or in a mall as defined by Sections 711 through 715 of Chapter 7 of Title 26 of the Los Angeles County Unified Building Code and further, accessory uses such as separate concessionaires, lessees, vendors, and kiosks provided such accessory uses are not the primary use of the building. (Ord. 87-813, § 6)

