

PLANNING COMMISSION RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CATHEDRAL CITY, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO CHAPTERS 9.08, 9.30, 9.36, 9.40, 9.42 AND 9.108 OF THE CATHEDRAL CITY MUNICIPAL CODE TO ALLOW ADULT-USE CANNABIS BUSINESSES AND MAKE OTHER AMENDMENTS RELATED TO CANNABIS BUSINESSES

WHEREAS, in 1996, California voters enacted Proposition 215, which was entitled the Compassionate Use Act (the “CUA”) of 1996, and was codified in California Health and Safety Code Section 11362.5, which decriminalized the possession and cultivation of medical marijuana for limited personal medical purposes; and

WHEREAS, in 2004, the California legislature enacted Senate Bill 420, the Medical Marijuana Program (the “MMP”), which, as codified in California Health and Safety Code Section 11362.7 *et seq.*, was intended to clarify the CUA’s scope and immunize from criminal prosecution, under specified state laws, certain activities and conduct related to the provision of medical marijuana to qualified patients; and

WHEREAS, on October 9, 2015, Assembly Bills 243 and 266 and Senate Bill 643 (collectively, the “Medical Cannabis Regulation and Safety Act” or “MCRSA”) were enacted to create a state regulatory and licensing system governing the cultivation, testing, and distribution of medical cannabis, the manufacturing of medical cannabis products, and physician recommendations for medical cannabis; and

WHEREAS, MCRSA expressly preserved local control over medical cannabis facilities and land uses; and

WHEREAS, on November 8, 2016, the voters of the State of California approved Proposition 64, entitled the “Control, Regulate and Tax Adult Use of Marijuana Act” (the “AUMA”), which legalizes and regulates the adult use of non-medical marijuana in California; and,

WHEREAS, on June 27, 2017, the Governor signed Senate Bill 94, which repealed MCRSA and included certain provisions from MCRSA regarding medical marijuana in the AUMA; and

WHEREAS, Senate Bill 94 renamed the AUMA as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); and

WHEREAS, Business and Professions Code section 26200, which is part of MAUCRSA, expressly recognizes the ability of cities to adopt and enforce ordinances to regulate cannabis businesses, including, but not limited to, local zoning and land use requirements; and,

WHEREAS, Article XI, Section 7 of the California Constitution provides a city may make and enforce within its limits all police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Cathedral City has adopted land use regulation of medical cannabis businesses as permitted by state law;

WHEREAS, Cathedral City has a legitimate interest in maintaining an appropriate balance of land uses within its borders, and Cathedral City desires to ensure that there is an appropriate balance of cannabis businesses and other uses; and

WHEREAS, the Planning Commission of the City of Cathedral City finds that it is in the best interests of the City to amend its land use regulations to allow adult-use cannabis businesses and to make other amendments to its land use regulations to improve the City's cannabis business land use regulations.

NOW, THEREFORE, the Planning Commission of the City of Cathedral City does hereby resolve:

1. The above-referenced recitals are true and correct and material to this Resolution.

2. It is recommended that the City Council adopt an ordinance to amend the Cathedral City Zoning Code to allow adult-use cannabis businesses and make other amendments related to cannabis businesses. Such recommended ordinance shall be substantially in the form as attached hereto as Exhibit A, subject to revision by the City Attorney.

THE FOREGOING RESOLUTION WAS APPROVED AND ADOPTED on this 20th day of September, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

John Rivera, Chair

ATTEST AND APPROVED AS TO CONTENT:

Robert Rodriguez, Planning Manager/
Secretary to the Planning Commission

APPROVED AS TO LEGAL FORM:

Erica L. Vega
Assistant City Attorney