

This Agenda contains a brief general description of each item to be considered. Copies of the Staff reports or other written documentation relating to each item of business referred to on the Agenda are on file in the Office of the City Clerk and are available for public inspection. Any person who has a question concerning any of the agenda items may call the City Manager at (310) 603-0220, ext. 200.

Procedures for Addressing the Council

IN ORDER TO EXPEDITE CITY COUNCIL BUSINESS, WE ASK THAT ALL PERSONS WISHING TO ADDRESS THE COUNCIL FILL OUT A FORM PROVIDED AT THE DOOR, AND TO TURN IT IN TO THE CITY CLERK PRIOR TO THE START OF THE MEETING. FAILURE TO FILL OUT SUCH A FORM WILL PROHIBIT YOU FROM ADDRESSING THE COUNCIL IN THE ABSENCE OF THE UNANIMOUS CONSENT OF THE COUNCIL.



**AGENDA
City Council Special Meeting
TO BE HELD ON**

February 2, 2018

**Duly Posted - 02/01/18 MQ
COUNCIL CHAMBERS - 11350 BULLIS RD. LYNWOOD, CA 90262
6:00 PM**

- 1. CALL TO ORDER**
- 2. CERTIFICATION OF AGENDA POSTING BY CITY CLERK**
- 3. ROLL CALL OF COUNCIL MEMBERS**

Jose Luis Solache, Mayor
Edwin E. Hernandez, Mayor Pro Tem
Salvador Alatorre, Council Member
Aide Castro, Council Member
Maria Santillan-Beas, Council Member

- 4. PLEDGE OF ALLEGIANCE**
- 5. INVOCATION**
- 6. PRESENTATIONS/PROCLAMATIONS**

- Sheriff Captain Carter- Update on Law Enforcement Issues
- City Council Members Reporting on Meetings Attended (Gov. Code Section 53232.3 (D)).

PUBLIC ORAL COMMUNICATIONS

(Regarding Agenda Items Only)

CITY COUNCIL ORAL AND WRITTEN COMMUNICATION

PUBLIC HEARING

- 7. Consideration of the Extension of Interim Urgency Ordinance No. 1706, Imposing a Citywide Moratorium on the Establishment or Operation of Commercial/Non-**

Medicinal/Recreational Marijuana and Cannabis Dispensaries

Comments:

On December 19, 2017, the City Council adopted Interim Urgency Ordinance No. 1706, temporarily prohibiting all commercial/non- medicinal/recreational marijuana and cannabis dispensaries authorized by the Adult Use of Marijuana Act ("AUMA"). The purpose of the moratorium was to allow staff time to: study the negative direct and secondary impacts associated with commercial/non-medicinal/recreational marijuana and cannabis dispensaries; study and determine whether such uses should be allowed in the City, and if so determine what the appropriate regulations are; and to study and determine the potential locations, zoning districts, or development standards that should be applied to commercial/non-medicinal/recreational marijuana and cannabis dispensaries, if they were to be allowed. (CA)

ADJOURNMENT

THE NEXT REGULAR MEETING WILL BE HELD ON FEBRUARY 6, 2018 AT 6:00 P.M. IN THE COUNCIL CHAMBERS OF THE CITY HALL ANNEX, 11350 BULLIS ROAD, CITY OF LYNWOOD, CALIFORNIA.



AGENDA STAFF REPORT

DATE: February 2, 2018

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Alma K. Martinez, City Manager

PREPARED BY: Noel Tapia, City Attorney

SUBJECT: Consideration of the Extension of Interim Urgency Ordinance No. 1706, Imposing a Citywide Moratorium on the Establishment or Operation of Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries

Background:

On December 19, 2017, the City Council adopted Interim Urgency Ordinance No. 1706, temporarily prohibiting all commercial/non- medicinal/recreational marijuana and cannabis dispensaries authorized by the Adult Use of Marijuana Act ("AUMA"). The purpose of the moratorium was to allow staff time to: study the negative direct and secondary impacts associated with commercial/non-medicinal/recreational marijuana and cannabis dispensaries; study and determine whether such uses should be allowed in the City, and if so determine what the appropriate regulations are; and to study and determine the potential locations, zoning districts, or development standards that should be applied to commercial/non-medicinal/recreational marijuana and cannabis dispensaries, if they were to be allowed.

Interim Ordinance No. 1706 is scheduled to expire on February 2, 2018, unless the City Council takes action to extend it. A duly noticed public hearing on whether to extend Interim Ordinance No. 1706 was first held on January 16, 2018.

Please see attached Staff Report and Ordinance Extending Interim Urgency Ordinance No. 1706 that were considered on January 16, 2018, which are attached and incorporated herein by this reference.

Discussion and Analysis:

January 16, 2018 Public Hearing

At the City Council meeting on January 16, 2018, a motion carried by unanimous consent to open a public hearing to consider the extension of Interim Urgency Ordinance No. 1706, Imposing a Citywide Moratorium on the Establishment or Operation of Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries (hereinafter, "Interim Urgency Ordinance No. 1706"). The recommended action was for City Council to adopt the

Interim Urgency Ordinance No. 1706 declaring and imposing a ten (10) month and fifteen (15) day extension of the citywide moratorium.

City Attorney Noel Tapia introduced the item. Two public comments were made during the public hearing, and the public hearing was closed thereafter.

Mayor Solache moved to approve staff's recommendation to extend the moratorium, and Council Member Alatorre seconded the motion. The vote on the motion was 3-2 in. The motion did not carry because the approval of an extension to the moratorium requires a 4/5th's vote.

Expiration of Moratorium

As previously mentioned, Interim Ordinance No. 1706 is scheduled to expire on February 2, 2018, unless the City Council takes action to extend it. To preserve the ability for City Council to reconsider whether it wants to approve and adopt Interim Ordinance No. 1706, a duly noticed public hearing on whether to extend Interim Ordinance No. 1706 has been scheduled for February 2, 2018.

Fiscal Impact:

There is no fiscal impact.

Coordinated With:

N/A

ATTACHMENTS:

Description

- ▢ **January 16, 2018 Staff Report**
- ▢ **Ordinance Extending Interim Ordinance No. 1706**



AGENDA STAFF REPORT

DATE: January 16, 2018

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Alma K. Martinez, City Manager

PREPARED BY: Noel Tapia, City Attorney

SUBJECT: Extension of Interim Urgency Ordinance No. 1706 Imposing a Citywide Moratorium on the Establishment or Operation of Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries

Recommendation:

That the City Council adopt an Interim Urgency Ordinance declaring and imposing a ten (10) month and fifteen (15) day extension on the existing citywide moratorium on the establishment and operation of commercial/non-medicinal/recreational marijuana and cannabis dispensaries authorized by the Adult Use of Marijuana Act, entitled as “AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNWOOD, CALIFORNIA, DECLARING AND EXTENDING THE EXISTING CITYWIDE MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF COMMERCIAL/NON-MEDICINAL/RECREATIONAL MARIJUANA AND CANNABIS DISPENSARIES.”

Background:

Under Appendix A of Chapter 25 of the Lynwood Municipal Code, the City currently bans medical marijuana dispensaries from all zones in the City.

On November 8, 2016, California voters approved Proposition 64 enacting the Adult Use of Marijuana Act (“AUMA”). AUMA legalized various commercial/non-medicinal/recreational marijuana and cannabis activities for persons 21 years of age or older, including but not limited to non-medical marijuana businesses, dispensaries, retailers, delivery services, use, possession, transportation, manufacturer, testing, indoor and outdoor cultivation, and other activities as detailed and outlined in the AUMA.

On December 20, 2016, City Council passed, adopted and approved Ordinance No. 1688, adding Article 34 to Chapter 4 of the Lynwood Municipal Code, regulating the operation and location of cannabis cultivation and manufacturing related businesses. The City’s intent of its regulation on commercial cannabis activities in Ordinance No. 1688 is that all commercial cannabis businesses may not operate without an application, investigation, verification, approval and issuance of development agreements approved by the City Council and a business license issued by the City.

Section 4-34-4(B) of Ordinance No. 1688 further states that “All persons who are engaged in or who are attempting to engage in commercial cannabis activity in any form shall do so only in strict compliance with the terms, conditions, limitations and restrictions of the MCRSA, the provisions of this Chapter 4-34, and all other applicable state and local laws and regulations.” Government Code Sections 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety, and welfare and to prohibit certain land uses that may conflict with land use regulations that the City Council is considering or intends to study within a reasonable time.

Senate Bill 94 became law on June 27, 2017, which merged California’s licensing scheme relative to medical marijuana activities and businesses, with the licensing scheme enacted by the AUMA. What was formerly known as the AUMA has now been renamed to the “Medicinal and Adult-Use Cannabis Regulation and Safety Act” (hereinafter, “MAUCRSA” or “AUMA”).

AB 133 became law on September 18, 2017, which, amongst other changes, removes the requirement that different commercial license types of cannabis businesses (e.g., cultivators, manufacturers, retailers, etc.) maintain “separate and distinct” premises. By removing that requirement, a single physical location can now hold multiple state licenses, subject to applicable local ordinances.

Government Code Sections 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety, and welfare and to prohibit certain land uses that may conflict with land use regulations that the City Council is considering or intends to study within a reasonable time.

within a reasonable time.

On December 19, 2017, the City Council adopted Interim Urgency Ordinance No. 1706, temporarily prohibiting all commercial/non-medical/recreational marijuana and cannabis dispensaries authorized by the AUMA. The purpose of the moratorium was to allow staff time to: study the negative direct and secondary impacts associated with commercial/non-medical/recreational marijuana and cannabis dispensaries; study and determine whether such uses should be allowed in the City, and if so determine what the appropriate regulations are; and to study and determine the potential locations, zoning districts, or development standards that should be applied to commercial/non-medical/recreational marijuana and cannabis dispensaries, if they were to be allowed.

Interim Ordinance No. 1706 is scheduled to expire on February 2, 2018, unless the City Council takes action to extend it.

Discussion and Analysis:

In accordance with Government Code section 65858, the City Council may extend Ordinance No. 1706 twice: the first time for ten (10) months and fifteen (15) days, and the second for an additional (1) year. Before each extension, the City Council must hold a public hearing, and approve a public report describing the actions taken by the City to alleviate the conditions necessitating the moratorium.

Presented for the City Council's review and consideration as a "receive and file" matter, is the requisite public report describing actions taken by the City since adoption of Urgency Ordinance No. 1706, and an Ordinance enacting the first extension of the moratorium.

In the opinion of staff, an extension of the moratorium on commercial/non-medical/recreational marijuana and cannabis dispensaries is appropriate given the following:

- The circumstances justifying the City Council's adoption of Interim Urgency Ordinance No. 1706 continue to exist.
- Commercial/non-medical/recreational marijuana and cannabis dispensaries – typically established and operated as storefront facilities - are associated with negative direct and secondary impacts on the health, safety and welfare of City residents; especially if unregulated. Reported negative impacts include illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards and building hazards, and offensive odors.
- The AUMA was approved by California voters on November 8, 2016. Senate Bill 94 became law on June 27, 2017, which merged California's licensing scheme relative to medical marijuana activities and businesses, with the licensing scheme enacted by the AUMA. What was formerly known as the AUMA has now been renamed to the "Medicinal and Adult-Use Cannabis Regulation and Safety Act" (hereinafter, "MAUCRSA" or "AUMA").
- AB 133 became law on September 18, 2017, which, amongst other changes, removes the requirement that different commercial license types of cannabis businesses (e.g., cultivators, manufacturers, retailers, etc.) maintain "separate and distinct" premises. By removing that requirement, a single physical location can now hold multiple state licenses, subject to applicable local ordinances.
- At this time it is unclear how efficiently the AUMA will be administered by the State, and whether the statutory scheme will adequately address the local health, safety, and welfare concerns of local residents.
- The City has not yet studied the potential health, safety, and welfare impacts of commercial/non-medical/recreational marijuana and cannabis dispensaries on local residents, businesses, and the community, and the City has not yet made a determination as to the locations, zoning districts, or development standards that should be applied to commercial/non-medical/recreational marijuana and cannabis dispensaries to preserve such interests, or whether a complete ban on such uses is necessary.
- The City has not yet studied the desirability or compatibility of commercial/non-medical/recreational marijuana and cannabis dispensaries in context of citizen needs and other land uses in the City, and extensive surveying needs to be completed in order so the City Council may make an informed decision as to whether to permanently prohibit such uses, or authorize them subject to reasonable regulation.

Adoption of the Ordinance extending the moratorium requires a 4/5 vote of the City Council. If approved, the Ordinance would expire no later than December 17, 2018 (unless rescinded earlier by the City Council), at which point the City Council will have the option of extending the moratorium for an additional year (if necessary), or adopting permanent regulations concerning commercial/non-medical/recreational marijuana and cannabis dispensaries.

Environmental:

Extension of Interim Ordinance No. 1706 is a discretionary action subject to the California Environmental Quality Act ("CEQA"). The action is exempt pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State Guidelines for Implementation of the CEQA. Sections 15060(c)(2) and 15060(c)(3) pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378. This Ordinance has no potential for resulting in physical change to the environment directly or indirectly in that it prevents change to the environment pending the completion of the contemplated research and studies.

Fiscal Impact:

The recommended City Council action does not have a fiscal impact.

Coordinated With:

ATTACHMENTS:

- Description**
- ▣ **Ordinance**

ORDINANCE NO. 1706

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNWOOD, CALIFORNIA, DECLARING AND EXTENDING THE EXISTING CITYWIDE MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF COMMERCIAL/NON-MEDICINAL/RECREATIONAL MARIJUANA AND CANNABIS DISPENSARIES

WHEREAS, the City of Lynwood (“City”) is a general law city, incorporated under the laws of the State of California, and it has an interest in planning and regulating the use of property within the City;

WHEREAS, implicit in any plan or regulation is the City's interest in maintaining the quality of life and the character of the City's neighborhoods, as without stable, well-planned neighborhoods, sections of the City can quickly deteriorate, with consequences to social, environmental, and economic values;

WHEREAS, under Appendix A of Chapter 25 of the Lynwood Municipal Code, the City currently bans medical marijuana dispensaries from all zones in the City;

WHEREAS, on November 8, 2016, California voters approved Proposition 64 enacting the Adult Use of Marijuana Act (“AUMA”);

WHEREAS, AUMA legalized various commercial/non-medicinal/recreational marijuana activities for persons 21 years of age or older, including but not limited to non-medical marijuana businesses, dispensaries, retailers, delivery services, use, possession, transportation, manufacturer, testing, indoor and outdoor cultivation, and other activities as detailed and outlined in the AUMA;

WHEREAS, the AUMA allows for local governments to regulate, control, and prohibit various commercial/non-medicinal/recreational uses and activities authorized by the AUMA, and if local governments fail to enact local ordinances concerning such matters, the AUMA and associated state laws and regulations will govern;

WHEREAS, the City’s ban on medical cannabis dispensaries was adopted prior to the AUMA on July 6, 2010, and is found in Lynwood’s Zoning Code Chapter 25, Appendix A. Specifically, Article 200 of Chapter 25 of the Lynwood Municipal Code defines “Medical Marijuana Dispensary” as any establishment or location where marijuana is distributed, transmitted, given to, 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”;

WHEREAS, Appendix A of Chapter 25 of the Lynwood Municipal Code prohibits medical marijuana dispensaries in all zoning districts within the City's jurisdiction. Currently, said citywide ban does not explicitly or expressly extend to commercial/non-medicinal/recreational marijuana and cannabis dispensaries. It is the intent of City Council for the proposed moratorium to extend said citywide medical marijuana dispensary ban to all medicinal and commercial/non-medicinal/recreational marijuana and cannabis dispensaries;

WHEREAS, on December 20, 2016, City Council passed, adopted and approved Ordinance No. 1688, adding Article 34 to Chapter 4 of the Lynwood Municipal Code, regulating the operation and location of cannabis cultivation and manufacturing related businesses. The City's intent of its regulation on commercial cannabis activities in Ordinance No. 1688 is that all commercial cannabis businesses may not operate without an application, investigation, verification, approval and issuance of development agreements approved by the City Council and a business license issued by the City, and related required City approvals;

WHEREAS, Section 4-34-4(B) of Ordinance No. 1688 further states that "All persons who are engaged in or who are attempting to engage in commercial cannabis activity in any form shall do so only in strict compliance with the terms, conditions, limitations and restrictions of the MCRSA, the provisions of this Chapter 4-34, and all other applicable state and local laws and regulations";

WHEREAS, the City's interpretation and intent of the zoning scheme codified in Chapter 25 of the Lynwood Zoning Code, is that of permissive zoning, where commercial/non-medicinal/recreational uses and activities, including those legalized or authorized by the AUMA, SB 94 and AB 133, are prohibited in the City, with the exception of those allowed and approved pursuant to Ordinance No. 1688;

WHEREAS, despite such interpretation and intent of the City, it is foreseeable that persons seeking to establish and operate a commercial/non-medicinal/recreational marijuana and cannabis dispensary may attempt to establish such uses in the City despite Ordinance No. 1688 and Appendix A of Chapter 25 of the Lynwood Zoning Code;

WHEREAS, on January 2, 2018, the City Council passed, adopted and approved Ordinance No. 1707, which included amendments to Article 34 of Chapter 4, as found in Ordinance No. 1688, including a proposed amendment that would allow a person to operate a cannabis *non-storefront* delivery service if the person obtains the required approvals and permits from the City for such activity, and if the person also has a manufacturing permit from the City. Notable is that this amendment will add the definition of "delivery" to Chapter 4 to have the same meaning as in Section 26001(p) of the Business and Professions Code: "'Delivery' means the commercial transfer of cannabis or cannabis products to a customer. 'Delivery' also includes the use by a retailer of any technology platform." This interim urgency ordinance to extend this moratorium is not intended to have an effect on such amendments;

WHEREAS, Senate Bill 94 became law on June 27, 2017, which merged California's licensing scheme relative to medical marijuana activities and businesses, with the licensing scheme enacted by the AUMA. What was formerly known as the AUMA has now been renamed

to the “Medicinal and Adult-Use Cannabis Regulation and Safety Act” (hereinafter, “MAUCRSA” or “AUMA”);

WHEREAS, AB 133 became law on September 18, 2017 which, amongst other changes, removes the requirement that different commercial license types of cannabis businesses (e.g., cultivators, manufacturers, retailers, etc.) maintain “separate and distinct” premises. By removing that requirement, a single physical location can now hold multiple state licenses, subject to applicable local ordinances;

WHEREAS, the California Bureau of Cannabis Control has developed emergency regulations clarifying and governing the implementation and administration of California’s medical marijuana laws and the AUMA, and City staff continues to review same to understand the implications of same to the City’s cannabis-related regulations;

WHEREAS, the impact of the AUMA and legalization of Non-Medical marijuana on the City of Lynwood and its residents is unclear at this time, and it is foreseeable that commencing January 1, 2018, with the State’s implementation of its licensing scheme, the City may see an immediate influx of applications for Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries, as well as an influx of unpermitted and unregulated Non-Medical Marijuana Uses, the scope and extent of which is difficult to predict at this time;

WHEREAS, to avoid doubt as to the current illegality of Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries in the City, to allow the City time to study the impacts of Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries on the general health, safety, and welfare of City residents, and the consistency of such Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries with the City’s General Plan and Zoning Code, and to enable the City time to evaluate whether to allow such uses within the City, the City Council desires to adopt an interim Ordinance as an urgency ordinance, effective immediately, declaring and establishing an extension to the moratorium on the establishment and operation of all Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries legalized or authorized by the AUMA in order protect the public health, safety, and welfare of City residents;

WHEREAS, pursuant to Government Code Section 65858, Urgency Ordinance No. 1706 is scheduled to expire on February 2, 2018, unless the City Council, after holding a duly noticed public hearing, adopts an Ordinance extending Urgency Ordinance No. 691 for an additional ten (10) months and fifteen (15) days;

WHEREAS, the conditions given rise to Urgency Ordinance No. 1706 continue to exist, such that an extension of the citywide moratorium on the establishment and operation of Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries is immediately necessary and appropriate to protect the public health, safety, and general welfare of City residents, in that the AUMA became effective immediately upon approval by California voters, staff requires time to study whether Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries are consistent with the purpose(s) and intent of the City’s General Plan and Zoning Code, to evaluate the scope and extent of prohibitions or regulations of such

activities, and various other matters associated with Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries;

WHEREAS, in accordance with Government Code Section 65858, the City Council desires to adopt this Ordinance as an urgency ordinance, effective immediately, extending the moratorium on the establishment and operation of Commercial/Non-Medicinal/Recreational Marijuana and Cannabis Dispensaries imposed by Urgency Ordinance No. 1706 for an additional ten (10) months and fifteen (15) days (unless earlier superseded or rescinded by the City Council), subject to certain amendments concerning the indoor personal cultivation or marijuana use prohibitions in public to conform with the mandates of the AUMA; and

WHEREAS, all preconditions to the City Council's consideration and adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. This Ordinance is an interim ordinance adopted as an urgency measure pursuant to Government Code Section 65858 for the immediate preservation of the public health, safety, and welfare, and is adopted and justified based on the following findings of the City Council, in addition to the recitals referenced above which are true and correct and incorporated fully herein:

- A. On November 8, 2016, California voters approved Proposition 64, thereby enacting the AUMA which was effective immediately.
- B. The AUMA legalized commercial/non-medicinal/recreational uses in California, and it is foreseeable that the City will see an influx of commercial/non-medicinal/recreational uses and activities, or applications therefor, within the City that pose significant risks to the health, safety, and general welfare of City residents.
- C. The AUMA authorizes cities to prohibit or regulate various commercial/non-medicinal/recreational uses within their jurisdiction, and if cities do not enact local ordinances prohibiting or regulating such uses, the AUMA and associated state laws and regulations will control.
- D. Based upon the experience of jurisdictions that have legalized medical and non-medical marijuana uses, such uses pose a likelihood of creating negative impacts on the health, safety and welfare of residents, especially if unregulated, including illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards and problems, and offensive odors.
- E. The City's ban on medical cannabis dispensaries was adopted prior to the AUMA on July 6, 2010, and is found in Lynwood's Zoning Code Chapter 25, Appendix A.

F. On December 20, 2016, the City adopted Ordinance No. 1688, which added Article 34, to Chapter 4 of the Lynwood Municipal Code, entitled “Medical Cannabis Business and Activity”. Following the effectiveness of this ordinance, cannabis businesses shall only be permitted to operate in the City following an application, investigation, verification, approval and issuance of a development agreement approved by the City Council and a business license issued by the City.

G. On September 5, 2017 the City Council approved 11 (eleven) development agreements and regulatory permits for the operation of commercial cannabis cultivation and manufacturing facilities, and combinations thereof.

H. On September 5, 2017, the City Council approved Ordinance. No. 1700, an amendment to Chapter 4, Title 34, Section 6, to allow for “Licensed Premises” to be allowed in the City. This means that premises specified in an application to the City for a permit under Chapter 4, along with an approved development agreement by the City, shall be permitted within the City.

I. On December 12, 2017 the City Council approved 9 (nine) development agreements for the operation of commercial cannabis cultivation and manufacturing facilities, and combinations thereof.

J. This instant interim urgency ordinance is not intended to have an effect on the development agreements approved by Ordinance Nos. 1699 and 1704 for the operation of commercial cannabis cultivation and manufacturing facilities, and combinations thereof on September 5, 2017 and December 12, 2017, or any amendments made thereto, specifically in regard to allowing deliveries by such approved facilities, i.e., the commercial transfer of cannabis or cannabis products to a customer, or the use by the applicant of any technology platform to execute same.

K. On January 2, 2018, the City Council passed, adopted and approved Ordinance No. 1707, which included amendments to Article 34 of Chapter 4. Included in the amendments is the allowance a person to operate a cannabis non-storefront delivery service if the person obtains a permit from the City for such activity, and if the person also has a manufacturing permit from the City. Notable is that this amendment added the definition of “delivery” to Chapter 4, Title 34, to have the same meaning as in Section 26001(p) of the Business and Professions Code: ““Delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform.”

L. This instant interim urgency ordinance extending this moratorium is not intended to have an effect on such amendments included in Ordinance No. 1707.

M. The City requires time to undertake a review of its current regulation of marijuana-related uses and activities, the purpose and intent of the City’s General Plan and Zoning Code, and the commercial/non-medicinal/recreational marijuana and cannabis uses – outside of what City ordinances do allow for - authorized by the AUMA,

to determine the scope and extent of appropriate and necessary prohibitions and regulations of such activities to preserve the public health, safety, and welfare of its residents.

N. It is urgent that the City undertake a review of its current marijuana and cannabis restrictions and regulations to determine how the City's current restrictions and regulations for the establishment and operation of commercial/non-medicinal/recreational marijuana and cannabis uses can be revised to protect the public health, safety, and welfare, as the AUMA was only recently approved by voters and became effective immediately, was only recently clarified with passage of Senate Bill 94 and AB 133, and have recently been further clarified by the emergency regulations issued by the State.

O. The best method for protecting the public health, safety, and welfare is to either prohibit commercial/non-medicinal/recreational marijuana and cannabis dispensaries, entirely, or to adopt additional and more comprehensive regulations concerning the establishment and operation of commercial/non-medicinal/recreational marijuana and cannabis uses and activities consistent with most recent state law, including, but not limited to, their location and operational standards.

P. During the effectiveness of this Ordinance, the City will consider existing and potential land uses within the City to assure compatibility between the location of potential commercial/non-medicinal/recreational marijuana and cannabis uses and activities as those currently allowed by City ordinances and surrounding properties and study whether to prohibit commercial/non-medicinal/recreational marijuana and cannabis dispensaries, or limit commercial/non-medicinal/recreational marijuana and cannabis dispensaries or other commercial/non-medicinal/recreational marijuana and cannabis uses and activities, to certain zoning districts, which districts would be appropriate for such uses, what design and operating conditions and restrictions would advance the public's interest, and the extent to which the City is permitted to regulate such establishments in light of AUMA.

Q. The City cannot enact a comprehensive set of restrictions and regulations without due deliberation. The City requires an indeterminate length of time to analyze the details of such comprehensive restrictions in light of the enactment of AUMA, SB 94, AB 133 and the recent State regulations. Proposed restrictions would be detrimental if, during the period they are being studied and subject to public hearings, parties seeking to evade operation of these restrictions are permitted to operate in a manner which might progress to defeating the ultimate objective of those restrictions, in whole or in part. Therefore, approval of business licenses, permits, zoning entitlements such as conditional use permits, variances, and building permits, and any other required approvals would threaten the public health, safety, and welfare.

R. Based on the foregoing, there is a current and immediate threat to the public health, safety, and welfare, and an urgency ordinance seeking a moratorium on the establishment or operation of commercial/non-medicinal/recreational marijuana and cannabis dispensaries is warranted and necessary to protect the public against potential

negative health, safety, and welfare impacts and to address potential deficiencies in the Lynwood Municipal Code associated with commercial/non-medicinal/recreational marijuana and cannabis dispensaries.

S. The above recitals are true and correct, based upon all information presented to the City Council during its consideration of this matter, and hereby incorporated herein.

T. The above recitals are true and correct and hereby incorporated herein.

SECTION 2. IMPOSITION OF A MORATORIUM.

A. Government Code Sections 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety, and welfare and to prohibit certain land uses that may conflict with land use regulations that the City Council is considering or intends to study within a reasonable time.

B. This Ordinance temporarily prohibits the activities set forth in Section 3 hereof, until such reasonable time as a detailed study of the potential adverse impacts of such activities on commercial, industrial, and residential uses and the general public health, safety, and welfare is completed, and the City can enact reasonable regulations and/or prohibitions on such activities to address such concerns.

C. This Ordinance is in addition to, and does not alter, supersede, or replace, in whole or in part, the City's current regulations for commercial cannabis businesses in the City evidenced through Article 34 of Chapter 4 of the Lynwood Municipal Code, as passed by Ordinance No. 1688 and amended by Ordinance No. 1707, and Appendix A of Chapter 25 of the Lynwood Zoning Code, or any amendments made thereto, and is made in addition to, and does not alter, supersede, or replace, in whole or in part, Ordinance Nos. 1699 and 1704 approved by the City Council on September 5, 2017 and December 12, 2017, for development agreements for the operation of commercial cannabis cultivation, manufacturing, distribution, delivery and testing, or any future amendments made to such development agreements, including potentially allowing for delivery services for non-storefront facilities.

SECTION 3. SCOPE AND APPLICABILITY OF MORATORIUM.

A. Definitions.

All definitions, terms, phrases, and terms of art set forth in the Adult Use of Marijuana Act, Senate Bill 94 and Assembly Bill 133 are incorporated into this Ordinance, and shall govern the interpretation and construction hereof.

B. Moratorium.

- 1) Notwithstanding any amendments that are adopted to Article 34 of Chapter 4 of the Lynwood Municipal Code or Chapter 25 of the Lynwood Zoning Code by the

City Council, or any future amendments made to the development agreements that were approved by the City Council on September 5, 2017 and December 12, 2017 through Ordinance Nos. 1699 and 1704, no person, partnership, corporation, collective, cooperative, or other entity or association shall establish or operate a medicinal, or commercial/non-medicinal/creational marijuana or cannabis dispensary, which includes any store-front, establishment or location where marijuana or cannabis is distributed, transmitted, given to, or otherwise provided for medicinal, recreational or non-medicinal purposes, and as dispensaries are defined by state law. Said dispensaries shall be prohibited in all zoning districts within the City's jurisdiction.

- 2) Notwithstanding any amendments that are adopted to Article 34 of Chapter 4 of the Lynwood Municipal Code or Chapter 25 of the Lynwood Zoning Code by the City Council, or any future amendments made to the development agreements that were approved by the City Council on September 5, 2017 and December 12, 2017 through Ordinance Nos. 1699 and 1704, no business license, permit, zoning entitlement, variances, or building permit, or any other approval be issued for the activities prohibited by this Section, and any such business license, permit, zoning entitlement, variance, building permit, or other approval shall be invalid if issued.

C. The provisions of Paragraph (B) of this Section shall be construed broadly to prohibit any medicinal or commercial/non-medicinal/recreational marijuana and cannabis dispensary which is permitted, legalized, decriminalized, or authorized by the Adult Use of Marijuana Act, and which is within the police power of the City of Lynwood to regulate or prohibit, and which is not otherwise preempted by California law.

D. Term. This Ordinance shall be of no further force and effect for ten (10) months and fifteen (15) days after the adoption of this Ordinance unless extended in accordance with Section 65858 of the Government Code.

SECTION 4. PENALTY. Violations of this Ordinance shall constitute violations of the Lynwood Municipal Code, and all penalties and remedies authorized under the Lynwood Municipal Code shall apply to violations of the provisions of this Ordinance.

SECTION 5. CEQA. The City Council, on the basis of the whole record and exercising independent judgment, finds that this Ordinance is not subject to environmental review pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA). Sections 15060(c)(2) and 15060(c)(3) pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378. This Ordinance has no potential for resulting in physical change to the environment directly or indirectly in that it prevents change to the environment pending the completion of the contemplated research and studies.

SECTION 6. SEVERABILITY. If any section, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either

facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lynwood hereby declares that it would have passed this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

SECTION 7. EFFECTIVE DATE. This Ordinance: (a) is necessary for the immediate preservation of the public health, safety, and welfare; (b) contains findings constituting urgency; (c) is effective immediately upon adoption; and (d) shall take effect immediately upon its adoption and go into effect immediately following the 45th day of the moratorium enacted by Ordinance No. 1706. This Ordinance shall be effective for a period of ten (10) months and fifteen (15) days unless extended pursuant to California Government Code Section 65858.

SECTION 8. PUBLICATION. The City Clerk shall certify to the adoption of this Ordinance causing it to be posted as required by law.

PASSED, APPROVED AND ADOPTED this 2nd day of February, 2018.

Jose Luis Solache
Mayor

APPROVED AS TO FORM:

ATTEST:

Noel Tapia
City Attorney

Maria Quinonez
City Clerk