



**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT**

11/13/2018

SUBJECT:

Second reading and adoption of Ordinance entitled “An Ordinance of the City Council of the City of Pacifica Amending Article 48 “Marijuana Regulations” of Chapter 4 of Title 9 of the Pacifica Municipal Code Pertaining to Processing of Marijuana Use Permits (Text Amendment TA-112-18), and Finding Adoption of the Ordinance Exempt from the California Environmental Quality Act (CEQA).” (Second Reading)

RECOMMENDED ACTION:

Waive second reading and adopt the ordinance entitled, “An Ordinance of the City Council of the City of Pacifica Amending Article 48 “Marijuana Regulations” of Chapter 4 of Title 9 of the Pacifica Municipal Code Pertaining to Processing of Marijuana Use Permits (Text Amendment TA-112-18), and find adoption of the Ordinance exempt from the California Environmental Quality Act (CEQA).”

STAFF CONTACT:

Sarah Coffey, City Clerk
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650-738-7409

BACKGROUND/DISCUSSION:

This ordinance was introduced at the regular City Council meeting held on October 22, 2018. At that time, Council made edits to the ordinance to extend the time period within which an applicant could complete his/her application from ten (10) days to twenty (20) working days to provide the applicant with more time to satisfy all of the requirements of Pacifica Municipal Code 9-4.804.

The staff report from the October 22, 2018 meeting is attached for reference (Attachment A). This ordinance is now in order for adoption.

ALTERNATIVE ACTION:

The City Council may choose not to adopt the ordinance.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

Goals

- “**Fiscal Sustainability**” includes investing in economic development to increase revenues, funding a reserve/emergency fund, and being well prepared for grant opportunities.

- **“A Healthy and Compassionate Community”** includes addressing affordable housing and mental health services, investigating strategies related to homelessness, and supporting youth services.
- **“Maintaining a Safe Community”** includes supporting our first responders (police, fire, public works), responding to storm emergencies, protecting our infrastructure (streets, sidewalks, water), and engaging in emergency preparedness activities.

FISCAL IMPACT:

No direct fiscal impact. Adoption of the ordinance may result in marijuana operations opening within the City sooner than without the ordinance, which could result in earlier receipts of Marijuana Operation Tax revenues.

ORIGINATED BY:

City Clerk

ATTACHMENT LIST:

October 22, 2018 Staff Report (Attachment A) (PDF)

ORDINANCE NO. (ID # 2779)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING
ARTICLE 48 "MARIJUANA REGULATIONS" OF CHAPTER 4 OF TITLE 9 OF THE
PACIFICA MUNICIPAL CODE PERTAINING TO PROCESSING OF MARIJUANA USE
PERMITS (TEXT AMENDMENT TA-112-18)**

Initiated by: Planning Commission

WHEREAS, the City Council and Planning Commission held a joint study session to solicit public input on proposed marijuana regulations and provided direction to staff on March 6, 2017; and

WHEREAS, the Planning Commission held a study session to solicit public input on proposed marijuana regulations and locational standards and provided direction to staff on May 1, 2017; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed zoning text and map amendments contained in Text Amendment TA-106-17 and Rezoning RZ-197-17 on June 5, 2017 and recommended that the City Council approve the zoning text amendment described in Text Amendment TA-106-17 and the zoning map amendment described in Rezoning RZ-197-17; and

WHEREAS, on July 10, 2017, the City Council adopted Ordinance No. 819-C.S. approving Text Amendment TA-106-17 and Rezoning RZ-197-17 and establishing the City's marijuana regulations; and

WHEREAS, the City's marijuana regulations require applicants for marijuana operations to submit all information and materials required to comply with the marijuana use permit application submittal requirements within a specified time period in order to deem an application complete; and

WHEREAS, the Planning Commission has recommended to the City Council an amendment to section 9-4.4804, subsections (a)(2)(ii) and (a)(2)(vi) of the Pacifica Municipal Code to clarify existing marijuana regulations regarding the procedures for processing marijuana use permit applications that remain incomplete in excess of a ten (10) working day period; and

WHEREAS, because the intent of these amendments is not to alter existing law but rather to clarify section 9-4.4804, subsections (a)(2)(ii) and (a)(2)(vi) to confirm existing procedures related to processing marijuana use permit applications, these amendments will apply retroactively to any and all marijuana use permit applications submitted prior to and not yet deemed complete by the effective date of this ordinance; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed zoning text amendment contained in Text Amendment TA-112-18 (File No. 2018-044) on September 17, 2018, and adopted Resolution No. 2018-003 by a vote of 6-0 to initiate the amendment and recommend City Council approval; and

WHEREAS, the City Council was initially scheduled to consider the proposed zoning text amendment contained in Text Amendment TA-112-18 (File No. 2018-044) on October 8, 2018, however, the public hearing was continued to October 22, 2018; and

WHEREAS, the City Council held a duly noticed public hearing on the proposed zoning text amendment contained in Text Amendment TA-112-18 (File No. 2018-044) on October 22, 2018, and amended the ordinance proposed by the Planning Commission at the time of introduction.

NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. The above recitals are true and correct and material to the adoption of this Ordinance.

Section 2. In making its findings, the City Council relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

Section 3. The amendments contained in this Ordinance which is Text Amendment TA-112-18 (File No. 2018-044) are consistent with the City's General Plan and Local Coastal Land Use Plan.

Section 4. Amendment.

Subparts (a)(2)(ii) and (a)(2)(vi) of Section 9-4.4804 of Article 48 "Marijuana Regulations" of Chapter 4, "Zoning" of Title 9, "Planning and Zoning" shall be amended to read in their entirety as follows:

"Section 9-4.4804

(a) *Marijuana use permit application procedures – initial applications.*

...

(2) *Marijuana use permit.*

...

(ii) It shall be the applicant's responsibility to provide all of the information and materials required to comply with the marijuana use permit application submittal requirements of Section 9-4.4804(c). The filing date of the marijuana use permit application shall be the date when the Director of Planning officially receives the last submission of information or materials required by Section 9-4.4804(c). If the Director of Planning determines an application submittal is incomplete, an applicant shall be granted an extension of time to submit all materials required to complete the application within twenty (20) working days. If the application remains incomplete in excess of the twenty (20) working days following notification that an application submittal is incomplete, the application shall be deemed incomplete and will no longer be processed. Once the application is deemed complete by the Planning Director, the application shall be placed at the end of the random independent ranking order of the qualified marijuana registration list, and may be considered by the Planning Commission at a future public hearing based on the order of ranking.

...

(vi) Where the Planning Commission denies a marijuana use permit or an application is withdrawn before consideration by the Planning Commission, all other applications on the qualified marijuana registration list shall be considered by the Planning Commission at a future public hearing in the order of ranking as established by the random independent ranking process. The Planning Commission shall continue to review applications until all applications have been reviewed or until the Planning Commission can issue no further marijuana use permits based on the criteria of this article and Article 17.5.”

Section 5. Adoption of this Ordinance is categorically exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines § 15061(b)(3) because the ordinance will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 7. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published once in The Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica, California.

Section 8. This Ordinance shall be in full force and effective thirty (30) days after its adoption.

* * * * *

PASSED AND ADOPTED this 13th day of November, 2018.

AYES:
NOES:
ABSENT:
ABSTAIN:

John Keener, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah Coffey, City Clerk

Michelle Marchetta Kenyon, City Attorney

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(ID # 2779) at 11/13/2018 7:00 PM City Council Regular Meeting