



Agenda Report

Fullerton City Council

MEETING DATE: FEBRUARY 16, 2020

TO: CITY COUNCIL

PREPARED BY: KENNETH A. DOMER, CITY MANAGER

SUBJECT: DIRECTION RELATED TO POTENTIAL AMENDMENT OF COMMERCIAL CANNABIS ORDINANCE

SUMMARY

On December 17, 2020, Ordinance No. 3289 became effective related to the regulation of commercial cannabis businesses citywide. Based on the change in City Council members, on December 15, 2020 City Council continued an item setting fees related to cannabis activities, thus effectively deferring the production and release of any applications related to cannabis activities to March 16, 2021. This item seeks direction from City Council related to any potential amendments to Title 3 of the Fullerton Municipal Code related to commercial cannabis businesses.

RECOMMENDATION

Provide Staff direction related to amendments to Title 3, specifically Chapter 3.88 of the Fullerton Municipal Code, related to commercial cannabis operations including, but not limited to, location of cannabis businesses by type, buffer distances, zones and other location restrictions.

PRIORITY POLICY STATEMENTS

This item matches the following Priority Policy Statements:

- Fiscal and Organizational Stability
- Public Safety.

FISCAL IMPACT

Unknown, but reduced revenues would occur from amendments which result in the reduction of Commercial Cannabis Business Permits available.

DISCUSSION

On December 15, 2020, the City Council did not adopt (2 - 3, Silva, Zahra, Jung opposed) an urgency ordinance to stay the effective date of Ordinance No. 3289 regarding commercial cannabis businesses. At the same meeting, on a vote of 3 - 2 (Silva, Zahra opposed) City Council continued an item setting fees for issuing cannabis licenses. The continuation of the permit fees effectively prohibits dissemination of any applications for any business types and thus no person or entity can submit an application. The continuation was until March 16, 2021 in order to allow City Council to provide more direction to staff regarding issues of concern, specifically to the two new city council members who were not part of the deliberations on the ordinance.

At this time, Staff is looking for City Council direction related to elements contained within Title 3, specifically Chapter 3.88 of the Fullerton Municipal Code which contains the substantive components of the City's Commercial Cannabis regulations. From discussion at previous City Council meetings, the regulations outlined in Section 3.88.250, Location of Cannabis Businesses by Type, is understood to be the primary Section considered for amendment. This section sets, by business type, the zones in which a commercial cannabis business is permitted in, the separation distance ("buffer distances") around a defined sensitive uses, and also the amount of retail licenses per City Council District and area south of Chapman Avenue / Malvern Avenue.

City Council direction is requested on any potential amendments. Based on City Council direction, and required noticing, Staff will look to return with any proposed amendments in ordinance form at the March 16th City Council meeting for a first reading of the ordinance amendment.

Attachments:

- Attachment 1 – Presentation
- Attachment 2 – Buffer map as currently adopted
- Attachment 3 – Buffer map with 100-foot residential buffer
- Attachment 4 – Buffer map with 200-foot residential buffer
- Attachment 5 – Buffer map with 500-foot residential buffer
- Attachment 6 – Buffer map with 1,000-foot residential buffer