



# ***Agenda Report***

## ***Fullerton City Council***

**MEETING DATE:** FEBRUARY 16, 2021

**TO:** CITY COUNCIL

**PREPARED BY:** KENNETH A. DOMER, CITY MANAGER

**SUBJECT:** ORDINANCE TO REPEAL ORDINANCE NO. 3289  
PERTAINING TO COMMERCIAL CANNABIS  
REGULATIONS CITYWIDE

---

### **SUMMARY**

On December 17, 2020, Ordinance No. 3289 became effective related to the regulation of commercial cannabis businesses citywide. On December 15, 2020 the City Council continued an item setting fees related to cannabis activities, effectively deferring the implementation of the ordinance, to March 16, 2021. At its meeting on January 19, 2021, the City Council requested that an option to repeal Ordinance No. 3289 in its entirety be available for consideration by the City Council in addition to options for amending the ordinance.

### **RECOMMENDATION**

1. Make finding that project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(B)(3).
2. Introduce Ordinance No. XXXX for first reading by title only and waive further reading of the Ordinance.

ORDINANCE NO. XXXX – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REPEALING ORDINANCE NO. 3289 THAT AMENDED TITLES 3 AND 15 OF THE FULLERTON MUNICIPAL CODE REGULATING COMMERCIAL CANNABIS BUSINESSES CITYWIDE

### **PRIORITY POLICY STATEMENTS**

This item matches the following Priority Policy Statement:

- Public Safety.

### **FISCAL IMPACT**

Repeal of Ordinance No. 3289 would result in no revenue being generated from commercial cannabis activities.

## 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) the 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 to allow the 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 its meeting on January 19, 2021 the City Council voted to continue a request from City staff for further direction on potential amendments to the Commercial Cannabis Ordinance to the meeting on February 16, 2021. As part of the request to continue, the City Council also requested to have an Ordinance to repeal Ordinance No. 3289 available at the meeting on February 16, 2021 for consideration and potential first reading. An ordinance to repeal Ordinance No. 3289 in its entirety is provided as Attachment 2 to this report.

## Attachments:

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Draft Ordinance No. XXXX