



# CITY COUNCIL AGENDA STATEMENT



November 27, 2018

File ID: 18-0538

## TITLE

ORDINANCE OF THE CITY OF CHULA VISTA REPEALING CHAPTER 5.66 OF THE CHULA VISTA MUNICIPAL CODE, WHICH IMPOSED A TOTAL BAN ON COMMERCIAL MARIJUANA ACTIVITY, CONDITIONED UPON EFFECTIVENESS OF CITY'S ORDINANCE BANNING UNLICENSED COMMERCIAL CANNABIS ACTIVITY AS PROVIDED IN CHAPTER 5.19 OF THE CHULA VISTA MUNICIPAL CODE

## RECOMMENDED ACTION

Council place the ordinance on first reading.

## SUMMARY

This proposed ordinance repeals Chula Vista Municipal Code chapter 5.66, which prohibits all commercial marijuana activity in the City of Chula Vista. In its place, Chula Vista Municipal Code chapter 5.19, adopted in March 2018 and scheduled to go into effect on December 4, 2018, will now contain all commercial cannabis municipal code provisions, including those that permit lawful, licensed businesses and prohibit unlicensed activity.

## ENVIRONMENTAL REVIEW

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

## BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not Applicable.

## DISCUSSION

In 2011, the City Council adopted Ordinance 3204, adding chapter 5.66 to the Chula Vista Municipal Code. Chapter 5.66 prohibited medical marijuana dispensaries. [Chapter 5.66](#) was last amended in 2017 to prohibit all commercial marijuana activity, both medical and recreational, in the City of Chula Vista.

After extensive consideration of commercial cannabis regulation earlier this year, City Council voted in March 2018 to approve [Ordinance 3418](#), which created a licensing and regulatory structure for the operation of lawful cannabis businesses in the City of Chula Vista; such structure is codified in the newly created Chula Vista Municipal Code chapter 5.19.

Section 5.19.290 made the effectiveness of Ordinance 3418 contingent on voter approval of a cannabis tax measure to be placed on the November 2018 ballot. A cannabis tax measure, Measure Q, was ultimately approved by voters and is scheduled to be certified by the City Council on December 4, 2018; such certification will render chapter 5.19 effective, thereby eliminating the purpose and need for chapter 5.66. All enforcement activities against unlawful cannabis businesses that were previously conducted under chapter 5.66 will continue in full force and effect under chapter 5.19.

It is Staff's recommendation at this time that chapter 5.66 be repealed to eliminate any potential contradiction or confusion regarding local laws governing commercial cannabis activity in the City of Chula Vista, and to affirm that all rules and prohibitions regarding commercial cannabis activity will now be codified in Chula Vista Municipal Code chapter 5.19.

### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. This ordinance supports the Operational Excellence goal as it eliminates contradictory municipal code provisions and provides clarity as to local law governing commercial cannabis activity.

### **CURRENT-YEAR FISCAL IMPACT**

The ordinance repealing chapter 5.66 results in no current year fiscal impact to the City.

### **ONGOING FISCAL IMPACT**

The ordinance repealing chapter 5.66 results in no ongoing fiscal impact to the City.

### **ATTACHMENTS**

None.

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