

ORDINANCE NO. 10-10 N.S.

**AN URGENCY ORDINANCE, PURSUANT TO GOVERNMENT CODE
SECTION 65858, BY THE CITY OF RICHMOND, EXTENDING THE
TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING AND
APPROVAL OF APPLICATIONS AND PERMITS FOR MEDICAL
MARIJUANA ESTABLISHMENTS**

WHEREAS, Government Code Section 65858 allows a City, including a charter city, without following the procedures otherwise required prior to adoption of a zoning ordinance, to adopt, as an urgency measure, an interim ordinance prohibiting any uses which may be in conflict with any contemplated general plan, specific plan, or zoning ordinance amendment proposal which the legislative body, planning commission, or planning department is intending to study within a reasonable time; and

WHEREAS, the City of Richmond Planning and Building Services Department (“Planning Department”) is in the process of studying proposed amendments to the City’s Zoning Ordinance related to medical marijuana dispensaries and cooperatives; and

WHEREAS, the City Council finds and determines that the approval of applications for medical marijuana dispensaries or cooperatives while possible amendments to the Zoning Ordinance are being studied could result in conflicts with any proposed amendments and would undermine the purpose of studying such amendments, thereby reducing the quality of life within the community to the extent that overall public health, safety and welfare are detrimentally affected; and

WHEREAS, citizens of the City of Richmond have expressed concerns regarding the inadequacy of the current regulations to address the increasing number of unpermitted medical marijuana dispensaries and cooperatives operating within the City and the impact of such establishments on the community as a whole, including safety, noise, litter and other public health and welfare impacts; and

WHEREAS, it is the intent of the Richmond City Council to consider and adopt new zoning regulations pertaining to medical marijuana dispensaries and cooperatives in order to provide clear, consistent, and uniform guidance to businesses and individuals regarding the siting and operating characteristics of such establishments, if permitted, while addressing the significant community concerns described above; and

WHEREAS, by Ordinance Number 04-10, the Richmond City Council established a temporary moratorium on the acceptance or approval of applications to establish medical marijuana dispensaries or cooperatives within the City for a period of 45 days, ending on March 5, 2010; and

WHEREAS, extension of the moratorium for up to 10 months and 15 days will allow the City time to complete its review and revisions to the Zoning Ordinance while ensuring to the maximum extent feasible that the citing requirements and other objectives of the revised ordinance may be achieved; and

WHEREAS, for reasons set forth above, this ordinance is declared by the Richmond City Council to be necessary for preserving the public peace, health, or safety and to avoid a current, immediate and direct threat to the health, safety, or welfare of the community, and the recitals above taken together constitute the City Council's statements of the reasons constituting such necessity and urgency; and

WHEREAS adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b) (3), 15308, and 15183.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND does ordain as follows:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this ordinance.

SECTION 2. Until January 20, 2011, or until such time as a zoning text amendment addressing medical marijuana dispensaries and cooperatives becomes effective, the City of Richmond declares a moratorium on the acceptance, processing and approval of applications to establish medical marijuana dispensaries and cooperatives in any zoning district within the City.

SECTION 3. In accordance with Government Code Section 65858, this Ordinance is effective immediately as an interim urgency measure and shall be in full force and effect until the earlier of (1) the effective date of legislation establishing criteria for the approval of medical marijuana dispensaries and cooperatives within the City, or (2) January 20, 2011. This moratorium may be extended once by the City Council in accordance with the provisions of California Government Code Section 65858.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that they would have adopted this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

I certify that the foregoing Ordinance was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held March 2, 2010 by the following vote:

AYES: Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin.

NOES: Councilmember Bates.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

I certify that the foregoing is a true copy of Ordinance No. 10-10 N.S., finally passed and adopted by the Council of the City of Richmond at a regular meeting on March 2, 2010.