

RESOLUTION NO. 2020-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, IN SUPPORT OF CITY MEASURE Q TO AUTHORIZE ADOPTION OF ORDINANCE ALLOWING CANNABIS DELIVERY AND DISPENSARIES SUBJECT TO MANDATORY SEPARATION AND SAFETY REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, in 2016, the People of the State of California adoption Proposition 64 which allowed for recreational cannabis to be cultivated, processed, sold and for cannabis products to be manufactured, tested and sold, subject to mandatory licensing, regulation and approval from local authorities; and

WHEREAS, at the same election in 2016, the People of the City of Costa Mesa passed Measure X, which allowed for manufacture, testing and distribution of medical cannabis in a fixed area of the City, known as “the Green Zone”; and

WHEREAS, Measure X prohibited the delivery or dispensing of cannabis in the City;

WHEREAS, as authorized by Measure X, the City adopted an ordinance applying the same criteria to recreational marijuana businesses as Measure X applied to medical marijuana businesses; and

WHEREAS, the State of California Bureau of Cannabis control issued a regulation purporting to authorize delivery of marijuana anywhere in the state, subject to licensing and other restrictions; and

WHEREAS, despite the ban on marijuana dispensaries in the City, numerous illegal dispensaries have operated in the City, selling cannabis products which have not met the safety standards required by state law and which are not remitting taxes to the state or the City as required by law; and

WHEREAS, the local legal cannabis industry supports allowing for licensed delivery and dispensing of marijuana subject to strict controls; and

WHEREAS, the burden and costs of enforcing the City’s ban on delivery and dispensing of cannabis have grown substantially over time; and

WHEREAS, allowing dispensaries and delivery of cannabis in the City, subject to state and local licensing, strict limitations on zoning and separation of such uses from

sensitive uses such as schools, pre-schools, youth centers and homeless shelters, taxation of gross receipts, and mandatory safety measures, will help support the legal cannabis businesses located in the City, by providing an outlet for their legal products; and

WHEREAS, at its meeting on July 21, 2020, the City Council voted to place Measure Q on the November 3, 2020 ballot for a vote of Costa Mesa citizens; and

WHEREAS, under Measure Q, an ordinance permitting cannabis delivery and dispensaries would require approval of 2/3rds of the City Council membership and would be required to include mandatory minimum safety standards and strict zoning limitations; and

WHEREAS, allowing legal and licenses delivery and dispensing of marijuana in the City will help the City eliminate illegal dispensaries and delivery services, which are often operated as nuisances, without regulation and without payment of required taxes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa that:

Section 1. The City Council of the City of Costa Mesa hereby finds, determines, and declares that the City of Costa Mesa supports the adoption of Measure Q “The City of Costa Mesa Retail Cannabis Tax and Regulation Measure.”

PASSED AND ADOPTED this 1st day of September, 2020.



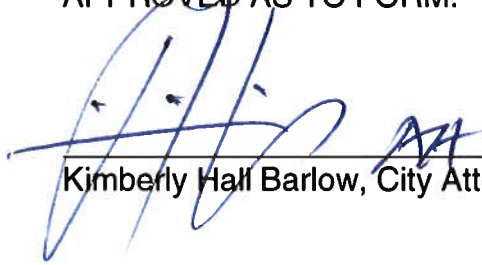
Katrina Foley, Mayor

ATTEST:

APPROVED AS TO FORM:



Brenda Green, City Clerk



Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2020-52 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 1st day of September, 2020, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: CHAVEZ, MARR, REYNOLDS, STEPHENS AND FOLEY

NOES: COUNCIL MEMBERS: GENIS AND MANSOOR

ABSENT: COUNCIL MEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 2nd day of September, 2020.



Brenda Green, City Clerk