

Report From Planning Commission

To City Council Regarding

Resolution No. 5651

D.7. AMENDMENT NO. A-143-08

APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE

REQUEST: To amend Title 9 of the Garden Grove Municipal Code to establish a ban on locating and operating medical marijuana dispensaries in the City of Garden Grove. The proposed ordinance is based upon the adverse secondary impacts associated with the operation of such dispensaries.

ACTION: Other than the applicant, no one spoke in favor of or in opposition to the request. Resolution No. 5651 was approved by seven ayes. City Council action is required on Amendment No. A-143-08, the recommended date is September 23, 2008.

RESOLUTION NO. 5651

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE ADDING SECTION 110 OF CHAPTER 08 OF TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on September 4, 2008, hereby recommends approval of Amendment No. A-143-08

BE IT FURTHER RESOLVED in the matter of Amendment No. A-143-08 the Planning Commission of the City of Garden Grove hereby reports as follows:

1. In 1996, the voters of the State of California approved Proposition 215, known as the "Compassionate Use Act" ("Act") (codified as Health and Safety (H & S) Code section 11362.5 et seq.), which creates a limited exception from criminal liability under California law as opposed to federal law for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances; and,
2. Based on the materials presented to the Planning Commission during the public hearing process, in numerous California cities and counties, the operation of medical marijuana dispensaries has resulted in serious adverse impacts to the public health, safety and welfare; and,
3. According to these communities, according to news stories widely reported, and according to medical marijuana advocates, these adverse impacts have included, but been limited to, burglaries, robberies, violence, illegal sales of marijuana to, and use of marijuana by, minors and other persons without medical need in the areas immediately surrounding such medical marijuana dispensaries. The City of Garden Grove reasonably could anticipate experiencing similar adverse impacts and effects; and
4. The Planning Commission recognizes that allowing medical marijuana dispensaries and issuing permits or other entitlements providing for the establishment and/or operation of medical marijuana dispensaries would result in increased demands for police patrols and responses, which the City's police department is not adequately staffed to handle and further poses a significant threat to the public health, safety and welfare; and,

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

As identified above, allowing the establishment and operation of medical marijuana dispensaries in the City of Garden Grove will result in substantial adverse impacts on the public health, safety and welfare of the community.

FINDINGS AND REASONS:

SECTION 1. To recommend to the City Council approval of an ordinance adding Section 110 of Chapter 08 of Title 9 of the Garden Grove Municipal Code to prohibit the establishment and operation of medical marijuana dispensaries in the City based on the following findings:

1. The proposed ordinance is consistent with the goals and policies of the Garden Grove General Plan.
2. The proposed ordinance is consistent with the Garden Grove Municipal Code.
3. The Planning Commission has reviewed the Staff Report and related materials in support thereof and considered public comments.
4. Allowing the operation of medical marijuana dispensaries will result in substantial adverse impacts to the public health, safety and welfare of the community.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT:

In addition to the foregoing, the Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

The Amendment does possess characteristics that would indicate justification for the proposed ordinance. The Planning Commission recommends approval of Amendment No. A-143-08 as follows:

Recommend to the City Council adoption of an ordinance adding Section 110 of Chapter 08 of Title 9 of the Garden Grove Municipal Code to prohibit the establishment and operation of medical marijuana dispensaries in the City.

ADOPTED this 4th day of September, 2008


 RON PIERCE
 CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on September 4th, 2008, by the following votes:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE


 JUDITH MOORE
 SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is September 25, 2008.

Proof of Publication/Legal Notices

September 23, 2008 City Council Meeting

September 4, 2008 Planning Commission
Meeting



This space is for the County Clerk's Filing

PROOF OF PUBLICATION (2015.5 C.C.P)

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and above title matter. I The Garden Grove, general circulation, Garden Grove, Cali newspaper has been of general circulatio the County of Orang November 26, 1984, the notice, of which has been published in said newspaper and r on the following date

Sept 11, 2008

I certify (or declare) u the foregoing is true a at Garden Grove, Cali

Date Sept 11, 2008
Mary C

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF GARDEN GROVE WILL HOLD A PUBLIC HEARING IN THE COUNCIL CHAMBER OF THE COMMUNITY MEETING CENTER, 11300 STANFORD AVENUE, GARDEN GROVE, CALIFORNIA, ON TUESDAY, SEPTEMBER 23, 2008 AT 6:30 P.M. TO RECEIVE AND CONSIDER ALL EVIDENCE AND REPORTS RELATIVE TO THE APPLICATION (S) DESCRIBED BELOW:

AMENDMENT NO. A-143-08

A citywide request to amend the Municipal Code to establish a ban on locating and operating medical marijuana dispensaries in the City of Garden Grove. The proposed ordinance is based upon the adverse secondary impacts associated with the operation of such dispensaries. On September 4, 2008, the Planning Commission recommended approval of the proposed ordinance to the City Council.

ALL INTERESTED PARTIES are invited to comment at the City Council public hearing, or by hearing, or by writing a letter, and express opinions or submit evidence for or against the proposal as outlined above. If you challenge the application in Court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Written correspondence received before 3:00 p.m. on the Wednesday before the hearing will be given to the City Council in their packet. Information received after that time will be given to the City Council prior to the meeting.

Further information on the above may be obtained at the Planning Services Division, City Hall, 11222 Acacia Parkway, or by telephone at (714) 741-5312.

/s/ KATHLEEN BAILOR
City Clerk

Date: September 8, 2008
Publish: September 11, 2008

Publish Sept. 11, 2008
Garden Grove Journal (GG 08-37-4)

GARDEN GR

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• **TUESDAY, 6:30 P.M., SEPTEMBER 23, 2008**

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- **THURSDAY, 7:00 P.M., SEPTEMBER 4, 2008**

AMENDMENT NO. A-143-08

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ALL INTERESTED PARTIES are invited to attend said Hearing and express opinions or submit evidence for or against the proposal as outlined above, on **September 4, 2008**. If you challenge the application in Court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Further information on the above may be obtained at the Planning Services Division, City Hall, 11222 Acacia Parkway, or by telephone at (714) 741-5312.

DATE: AUGUST 18, 2008
PUBLISH: AUGUST 21, 2008