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To: City Council, City of Cudahy

From: Office of the City Attorney

Date: January 11, 2024

**Subject: Opening of Application Period for Awarding of Second Retail Cannabis Permit Under the Cannabis Business Accountability Measure**

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This memorandum provides an update as to current status of the second retail cannabis permit available under The Cannabis Business Accountability Measure.

## BACKGROUND

On November 8, 2022, a general municipal election took place that included a ballot initiative seeking to regulate the retail sale of cannabis and cannabis products throughout the City of Cudahy (“City”). This ballot initiative was approved by the voters, requiring the City adopt an ordinance to regulate retail cannabis businesses. On December 20, 2022, the City of Cudahy adopted Ordinance No. 730 (The Cannabis Business Accountability Measure) which was incorporated in the Cudahy Municipal Code (“CMC”) under Chapter 5.30. This new chapter, consistent with State legislation, contains rules and regulations under which a maximum of two retail cannabis businesses may be permitted – one in the Civic Mixed Use (Civic) Zone, and one in the Urban Agricultural Overlay (Overlay) Zone.

In March 2023, the City released the application and guidelines for the solicitation of retail cannabis business permits. At the conclusion of the 60-day application period, all applications were reviewed for completeness and only one application was deemed complete and continued through the scoring process. The successful application location is in the Overlay Zone.

## APPLICATION PROCESS FOR SECOND RETAIL CANNABIS LICENSE

CMC Section 5.30.050 (Maximum Number of Authorized Cannabis Retailers Permitted) authorizes the total number of retail cannabis business permits within the City is two (2) maximum,

with one (1) license in the Civic Zone and one (1) in the Overlay Zone. The only available license currently is in the Civic Zone; however, CMC Section 5.30.060 (Location and Design Requirements for Cannabis Retailers) requires retail cannabis businesses to be located at least 600 feet from the following sensitive receptors: schools, day care centers, youth centers, and places of religious assembly. The Civic Zone contains one additional sensitive receptor, Options for Youth (OFY) categorized under “Other”, located in the Cudahy Plaza Shopping Center (APN: 6224-005-032). Pursuant to the CMC, there are a total of two sensitive receptors in the Civic Zone, OFY and Elizabeth Learning Center.

CMC Section 5.30.070 (Cannabis Retailer Application Procedure), subsection (7) requires the City Manager, within sixty (60) days, reinstitute the application procedure, subject to the maximum number of retail cannabis business permits for retailers authorized.

When considering the 600-foot radius buffer from the two sensitive receptors in the Civic Zone, as depicted by the maps as drafted by Radius Maps 4 Less, attached as Attachment A, there are currently no available properties within the zone that can qualify for the second retail cannabis license.

## **CONCLUSION**

Given the current locations of the sensitive receptors in the Civic Zone, there are no available locations for a second license. It is recommended that the City not reinstitute the retail cannabis business application process as required by CMC Section 5.30.070, until there is a change in the location of the sensitive receptors in the Civic Zone.

If you have questions or if you would like to discuss matters not covered in this memorandum, please feel free to contact the City Attorney’s office at (213) 744-0099.

## **ATTACHMENT A**

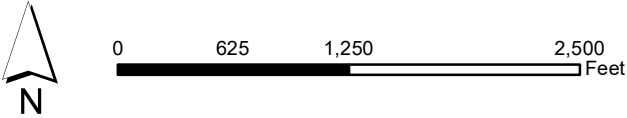
# CIVIC MIXED-USE ZONE AND SENSITIVE RECEPTORS OVERLAY

SENSITIVE RECEPTORS DERIVED FROM CITY OF CUDAHY ORDINANCE NO. 730

Map Date: 1/9/2024

Graphic Data Source

Los Angeles County Geographic Information System  
Base Parcel Database (Derived from APN Maps)  
Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet  
Datum: North American 1983



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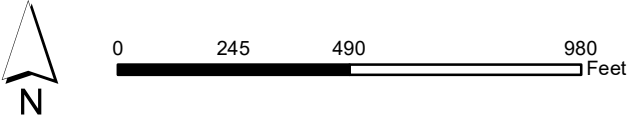
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