

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA FINDING THAT THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND TERMINATING DEVELOPMENT AGREEMENT 18-03 BETWEEN THE CITY OF LA HABRA AND RIVER DISTRIBUTING CO., LLC, DBA CRESCO LABS, FOR A CANNABIS DISTRIBUTION FACILITY AT 1721 EAST LAMBERT ROAD, UNIT B.

WHEREAS, California Government Code Section 65865 provides that any city may enter into a Development Agreement with any person having a legal authority or equitable interest in real property for the development of such property; and

WHEREAS, the City approved a Development Agreement with River Distributing Co., LLC by adoption of Ordinance 1802 on January 22, 2019 (“Development Agreement”) whereby River Distributing was authorized to operate a cannabis distribution business at 1721 East Lambert Road, Unit B; and

WHEREAS, Section 17.2 of the Development Agreement requires River Distributing to operate at the site throughout the term of the Agreement; and

WHEREAS, on March 15, 2023, River Distributing provided the City with a 60-day notice announcing the closure of their facility and their last day of operation was June 15, 2023; and

WHEREAS, pursuant to Section 12.1 of the Development Agreement, the City desires to terminate the Agreement because River Distributing has failed to operate at the site as required by the Agreement; and

WHEREAS, this project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to 14 CCR Section 15060(c)(2) and 15061(b)(3) because it can be seen with certainty that there is no possibility that the project will have a significant impact on the environment for which the subject Development Agreement 18-03 applies;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the aforementioned facts, findings, and conclusions set forth in this Ordinance are correct.

SECTION 2. The City Council of the City of La Habra does hereby terminate the Development Agreement and directs the City Clerk to record a copy of this ordinance with the Orange County Recorder pursuant to Section 11.2 of the Development Agreement.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2023.

James Gomez, Mayor

Attest:

Rhonda Barone, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA HABRA)

I, Rhonda Barone, City Clerk of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. _____ introduced at a regular meeting of the City Council of the City of La Habra held on the ____ day of _____, 2023, and was thereafter adopted at a regular meeting held on the ____ of _____, 2023, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this ____ day of _____, 2023.

Rhonda Barone, City Clerk