

**RESOLUTION NO. 2015- \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS PERMITTING CURRENT GROUP OF MEDICAL MARIJUANA DISPENSARY APPLICANTS TO HAVE THEIR APPLICATIONS PROCESSED PURSUANT TO ORDINANCE NO. 552 “MEDICAL MARIJUANA FACILITIES REGULATORY PERMIT” AND ORDINANCE NO. 553 “MEDICAL MARIJUANA FACILITIES – LOCATION”**

**WHEREAS**, the City Council adopted ordinances which permit the establishment and operation of medical marijuana facilities in the City of Desert Hot Springs subject to obtaining both a conditional use permit and a regulatory permit from the City, pursuant to the provisions set forth in Ordinance No. 552 and Ordinance No. 553, both of which are attached hereto and incorporated herein by reference; and

**WHEREAS**, the purpose of the conditional use permit is to determine whether the proposed marijuana facility: (a) will not impair the integrity and character of the land use district in which it is to be located; (b) is physically suitable for the subject site; (c) is compatible with the land uses presently on the subject property; (d) would be compatible with existing and future land uses within the general area in which the proposed facility is to be located; (e) is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses; (f) will not be detrimental to public health and safety due to inadequate water, sanitation, and public utilities and services needed for the facility; (g) will require additional public access to serve the facility; (h) will not have an adverse effect upon desirable neighborhood characteristics; (i) is needed or appropriate at the proposed location; (j) is consistent with applicable goals and policies of the General Plan; (k) will not create significant harmful effects upon environmental quality and natural resources; (l) will produce unmitigated negative impacts; and (m) will be located, sized, designed, and operated in a manner that will not be detrimental to the public interests, health, safety, convenience, or welfare of the City; and

**WHEREAS**, the purpose of the regulatory permit is to ensure that the marijuana facility is conducted in a secure, safe and business-like manner consistent with all applicable local and state laws, rules and regulations governing the cultivation and distribution of medical marijuana, including without limitation the Compassionate Use Act as set forth in California Health and Safety Code Section 11362.5, the Medical Marijuana Program Act as set forth in the California Health and Safety Code Sections 11362.5 through 11362.83, and the August 2008 Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use; and

**WHEREAS**, the City Council had initially limited the number of medical marijuana dispensaries permitted in the City of Desert Hot Springs, to a maximum of three (3), until such time the City Council determined that additional medical marijuana dispensaries are needed to meet the demands of the general public for medical marijuana and that additional medical marijuana dispensaries will not create any significant impacts on the community or have a detrimental impact on the general welfare of the residents and businesses of the City of Desert Hot Springs; and

**WHEREAS**, a total of 19 applications were submitted with the requisite application fees to the City during the November 7, 2014, through November 24, 2014, open application period; and

**WHEREAS**, the application fees included the following fees:

Activity (Processing)	Fee
Point System Worksheet	\$1,675
Conditional Use Permit	\$6,115
Regulatory Permit	\$5,935

**WHEREAS**, all 19 applicants' Point System Worksheets were processed; and

**WHEREAS**, all applicants were informed that the payment of the above fees do not guarantee approval of their permit applications; and

**WHEREAS**, the above fees do not include any other fees due for, without limitation, other permits, licenses, inspections, document preparation that may be required by the City such as, but not limited to, building permits, environmental review, business licensing, certificates of occupancy or mandatory fire inspections.

**NOW, THEREFORE, be it resolved by the City Council of the City of Desert Hot Springs as follows:**

**Section 1. ELIGIBLE APPLICANTS**

That the original 19 applicants who submitted applications for the requisite permits for a medical marijuana dispensary pursuant to Ordinance Nos. 552 and 553 during the open application period commencing November 7, 2014, through November 24, 2014, and who have paid the requisite application fees shall be permitted at their option to have their applications formally considered by the City Manager and Planning Commission as set forth in Ordinance No. 552 and Ordinance No. 553, respectively, without a refund of the fee paid for the Point System Worksheet.

**Section 2. PROPOSED LOCATIONS**

That in light of the expiration of some of the contingency leases some applicants had in place during the Point System Worksheet review process and in light of some location issues that were raised with respect to the location of one of the applicant's dispensaries, the eligible applicants shall be permitted to change their proposed locations in their pending permit applications so they are not closer than 1000 feet from a private or public school, which shall mean any school providing instruction to pre-school and K through 12 children.

**Section 3. APPLICANT WORKSHOP.**

That staff shall offer to conduct a single workshop for the applicants and their official representatives to inform the applicants of the application process, the criteria the Planning Commission and City Manager may take into consideration, and possible conditions of approval.

**Section 4. EFFECTIVE DATE**

That this Resolution shall take effect upon its adoption.

**Section 5.**

**CERTIFICATION**

That the City Clerk shall certify to the passage of this Resolution and enter it into the book of original resolutions.

[SIGNATURES FOLLOW ON THE NEXT PAGE]

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at a Special meeting held on the 28<sup>th</sup> day of April, 2015, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Jerryl Soriano, CMC, City Clerk

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Adam Sanchez, Sr., Mayor

**APPROVED AS TO FORM:**

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Steven B. Quintanilla, City Attorney

**EXHIBIT A**  
**ORDINANCE 552**

**EXHIBIT B**  
**ORDINANCE 553**