

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, AMENDING ALL VALIDLY APPROVED DEVELOPMENT AGREEMENTS REGARDING MARIJUANA FACILITIES THAT ARE IN GOOD STANDING WITH THE CITY TO INCLUDE ALL FORMS OF MARIJUANA USES, INCLUDING BUT NOT LIMITED TO EXISTING AND FUTURE MARIJUANA USES AS DESCRIBED IN THE DESERT HOT SPRINGS MUNICIPAL CODE, CURRENTLY CODIFIED IN CHAPTER 17.180, INCLUDING, BUT NOT LIMITED TO MANUFACTURING, TESTING, AND DISTRIBUTION.

WHEREAS, the City of Desert Hot Springs ("City") is a charter city organized pursuant to Article XI of the California Constitution; and

WHEREAS, Chapter 5.50 "Medical Marijuana Facilities Regulatory Permit," of the Desert Hot Springs Municipal Code ("DHSMC") establishes standards for granting permits to Marijuana Facilities within the City; and

WHEREAS, Chapter 17.180, of the DHSMC establishes zoning regulations and development standards for Marijuana Facilities, as that term is defined, within the City;

WHEREAS, Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), repealed the Medical Marijuana Regulation and Safety Act (California Business and Professions Code sections 19300-19360), and incorporated certain provisions of that act into the Adult Use of Marijuana Act (California Business and Professions Act sections 26000-26211); and

WHEREAS, as a result of the passage of the MAUCRSA, the State of California combined regulations for the use of medical and adult use marijuana into one regulatory scheme located under California Business and Professions Code sections 26000 to 26211; and

WHEREAS, the City adopted an ordinance, codified in Chapter 17.180 of the DHSMC to allow for manufacturing, testing, and distribution of both medical and recreational marijuana, in addition to cultivation and dispensing; and

WHEREAS, DHSMC Chapter 5.50 was amended to reflect the recent changes to Chapter 17.180 of the DHSMC; and

WHEREAS, several Development Agreements have been issued or approved which only granted a specific use (i.e cultivation), but that does not allow the developer

to perform other uses of marijuana as so allowed in the DHSMC, such as manufacturing, testing or distributing; and

WHEREAS, the City would like to allow holders of Development Agreements to be able to take advantage of all of marijuana uses outlined in Chapter 17.180, as may be amended; and

WHEREAS, the City acknowledges that the cannabis industry will have positive effects on the City, including increased employment and a tremendous increase in City revenue that can be used for improved public safety, better parks and recreation, additional children programs designed to improve health and reduce childhood obesity, and more senior programs and activities that will lead to more active living for low-income seniors; and

WHEREAS, the City Council finds that the adoption of this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, this Ordinance protects the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Desert Hot Springs as follows:

Section 1. **RECITALS**

That the foregoing recitals are true and correct and are herein adopted by this reference.

Section 2. **APPROVAL OF USES FOR DEVELOPMENT AGREEMENTS FOR DEVELOPMENT OF MARIJUANA FACILITIES. M**

- A. That the City Council of the City of Desert Hot Springs recognizes that Development Agreements have been approved for the development of Marijuana Facilities, which may only contain some of the allowed uses (i.e. for cultivation only.).
- B. That all validly approved Development Agreements of Marijuana Facilities that are in good standing with the City shall now include all forms of marijuana uses, including but not limited to existing and future marijuana uses as described in the Desert Hot Springs Municipal Code, as may be amended, currently codified in Chapter 17.180, including, but not limited to manufacturing, testing, and distribution.

- C. Notwithstanding Section 2(B) above, any and all Development Agreements contemplating a change in use, including any additional use, must comply with the California Environmental Quality Act ("CEQA"), and any and all applicable State and local laws and regulations. If CEQA is in fact implicated, as so determined by the Director of Community Development, the applicant (and City) shall comply with CEQA as so required by law.

Section 3. **SEVERABILITY**

That, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4. **REPEAL OF CONFLICTING PROVISIONS**

That all the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 5. **AMENDING OF BAIL SCHEDULE**

That the City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 6. **EXECUTION AND CERTIFICATION**

That the City Clerk is directed to do all things necessary to cause the execution of this ordinance upon its adoption and shall thereafter certify to the passage of this ordinance and cause the same to be published according to law.

Section 7. **EFFECTIVE DATE**

That this ordinance shall take effect thirty (30) days after its adoption.

Section 8. **CERTIFICATION**

That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs
at a special meeting held on the ____ day of _____, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

Scott Matas, Mayor

ATTEST:

Jerryl Soriano, City Clerk

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney