

**RESOLUTION NO. 2019-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS SETTING FORTH CERTAIN REGULATIONS ALLOWING ONE (1) MARIJUANA STOREFRONT RETAIL FACILITY (AKA “DISPENSARY”) IN EVERY SPECIFIC PLAN GREATER THAN FIFTY (50) ACRES IN SIZE, WHERE SUCH MARIJUANA STOREFRONT RETAIL FACILITY IS ALLOWED IN SUCH SPECIFIC PLAN.**

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

**WHEREAS**, currently the City regulates marijuana dispensaries primarily in Chapters 17.180 (related to land use regulation) and in 5.50 (related to regulatory permits) of the Desert Hot Springs Municipal Code (“DHSMC”); and

**WHEREAS**, pursuant to State Law, “dispensary(ies)” is no longer used as a defined term; and

**WHEREAS**, instead, State Law now licenses two types of cannabis retail businesses based on whether or not the business has a storefront - (1) Storefront Retail and (2) Non-storefront Retail; and

**WHEREAS**, a Storefront Retail state license is comparable to the City’s local dispensary permit; and a Non-storefront Retail state license applies to businesses (without a storefront) that will utilize delivery as their method of sales; and

**WHEREAS**, for purposes of this Resolution, the term “dispensary” and “Storefront Retail” will be used interchangeably; and

**WHEREAS**, in 2014, the City Council deemed that nineteen (19) persons could apply for a marijuana dispensary conditional use permit; and

**WHEREAS**, of those nineteen (19) persons, three (3) persons withdrew their applications, leaving sixteen (16) people with the right to apply for a conditional use permit and

**WHEREAS**, despite the limitations on the number of dispensaries, the City approved specific plans over fifty (50) acres in size allowing one (1) such dispensary with the specific plan; and

**WHEREAS**, after several meetings with these specific plan applicants and developers, it is quite difficult for these people to partner with one of the 16 people to effectuate a portion of the purpose of the specific plan; and

**WHEREAS**, it has come to the City’s attention that in order to effectuate the intent of the business models of the specific plan applicants and developers, the City Council would like to allow one (1) Marijuana Storefront Retail Facility (which is currently defined as “dispensary” in the DHSMC), in every specific plan greater than fifty (50) acres in size, where such Marijuana Storefront Facility is allowed in such specific plan; and

**WHEREAS**, the City Council desires to adopt this Resolution for the benefit of the community.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. RECITALS.**

That the Recitals set forth above are true and correct and are hereby incorporated herein by this reference.

**Section 2. ONE (1) MARIJUANA STOREFRONT RETAIL FACILITY IN SPECIFIC PLAN.**

A. That the City Council allow one (1) Marijuana Storefront Retail Facility (which is currently defined as “dispensary” in the DHSMC), in every specific plan greater than fifty (50) acres in size, where such Marijuana Storefront Facility is allowed in such specific plan.

**Section 3. SEVERABILITY.**

That if any provision, section, paragraph, sentence or word of this Resolution 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 Resolution as hereby adopted shall remain in full force and effect.

**Section 4. REPEAL OF CONFLICTING PROVISIONS.**

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

**Section 5. CERTIFICATION.**

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

**Section 6. EFFECTIVE DATE.**

That this Resolution shall take effect immediately upon its passage.

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at a regular meeting held on the 5th day of February, 2019 by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

[SIGNATURES FOLLOW ON THE NEXT PAGE]

**ATTEST:**

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

**APPROVED:**

\_\_\_\_\_  
Scott Matas, Mayor

**APPROVED AS TO FORM:**

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Jennifer A. Mizrahi, City Attorney