

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, AMENDING CHAPTER 17.180 ALLOWING LIGHT DISTRIBUTION USES FOR MARIJUANA STOREFRONT RETAIL USES.**

**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**, currently, the DHSMC only allows cannabis retail sales within the Commercial Districts of the City and refers to such establishments as “Storefront Retail Facilities;” and

**WHEREAS**, per the DHSMC, Storefront Retail Facilities are allowed in Commercial Zones with a Conditional Use Permit and a Regulatory Permit; and

**WHEREAS**, the City has been contacted by owners of Storefront Retail Facilities to request a limited distribution in order to allow them to sell extra product that has not been sold; and

**WHEREAS**, these persons desire to have a “light distribution” use in order to move their products; and

**WHEREAS**, currently, the DHSMC does not allow Storefront Retail Facilities to “distribute” their products; and

**WHEREAS**, therefore, City Council action is needed to allow for Storefront Retail Facilities use of light distribution; and use activities; 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 adoption of this Ordinance in question may have a significant effect on the environment; and

**WHEREAS**, the Planning Commission held a duly noticed hearing on this Ordinance and recommended that the City Council adopt same; and

**WHEREAS**, this Chapter is compatible with the general objectives of the General Plan and any applicable specific plan; and

**WHEREAS**, this Ordinance promotes the City's public health, safety and welfare.

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

**Section 1.            RECITALS.**

The Recitals are hereby incorporated by this reference.

**Section 2.            AMENDING SECTION 17.180.030 OF CHAPTER 17.180 OF THE DESERT HOT SPRINGS MUNICIPAL CODE**

Chapter 17.180.030 of the Desert Hot Springs Municipal Code shall be amended in part to add as follows:

**Chapter 17.180**

**“Light Distribution” means the limited sale, or transport of cannabis or cannabis products either within the City limits, or to and from the City from a place outside the City limits, from a City-permitted and licensed Storefront Retail Facility to a permitted business location of another licensed entity subject to State laws and regulations and subject to the provisions of this Chapter and the City’s Municipal Code.**

**Section 3.            AMENDING SECTION 17.180.040 OF CHAPTER 17.180 OF THE DESERT HOT SPRINGS MUNICIPAL CODE**

Section 17.180.040 of Chapter 17.180 of the Desert Hot Springs Municipal Code shall be amended to read as follows:

**17.180.40 Marijuana Storefront Retail Facilities**

- A. Permitted Locations. Marijuana storefront retail facilities shall only be located in any Commercial District in the City.
- B. Number of Plants. Storefront retail facilities shall not cultivate more than 99 mature flowering marijuana plants on site at any one time.
- C. Conditional Use Permit/Regulatory Permit Required. Storefront retail facilities shall obtain both a City-issued Conditional Use Permit and Regulatory Permit.

**D.** Approved storefront retail facilities operating with a City-approved Conditional Use Permit and in compliance with all local and State laws may, at their discretion, add a light manufacturing use and also become a light manufacturing facility to their current storefront retail facility.

**E.** Approved storefront retail facilities operating with a City-approved Conditional Use Permit and in compliance with all local and State laws may, at their discretion, add a light distribution use their current storefront retail facility. Any and all light distribution uses must comply with all of the following

**1.** Facility must have separate employee only loading door towards the rear of the building

**2.** A maximum number of one (1) unmarked vehicle shall be used to distribute products.

**3.** The vehicle mentioned above must have a designated and marked parking space, which space must be in close proximity to the required loading door.

**4.** All State and local laws and regulations must be complied with at all times.

**F.** Notwithstanding subsections G above, any and all light manufacturing facilities must comply with applicable State law and regulations, including the California Environmental Quality Act (“CEQA”).

**G.** Storefront retail facilities must comply with all local and State laws as it pertains to such use at all times, which certain applicable laws are currently set forth in Title 16 Code of Regulations, Sections 5400 through 5413, as may be amended.

### **Section 3. AMENDING THE LAND USE TABLE OF THE DESERT HOT SPRINGS MUNICIPAL CODE**

The land use table shall reflect that Light Distribution shall be allowed as a use solely in conjunction with Storefront Retail Facilities with a conditional use permit in the Commercial districts.

### **Section 4. SEVERABILITY**

That the City Council declares 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 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 immediately 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.**                    **AMENDMENT**

That this ordinance may be amended from time to time by the City Council and that in the event the State of California passes an adult use marijuana initiative, that the City Council can amend this Ordinance to address said use in the City of Desert Hot Springs.

**Section 8.**                    **EFFECTIVE DATE**

That this ordinance shall take effect thirty (30) days after its second reading by the City Council.

DRAFT

That the foregoing Ordinance was approved and adopted at a meeting of the City Council held on \_\_\_\_\_, 2020, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**  
Jennifer A. Mizrahi, City Attorney

\_\_\_\_\_  
**By:**