



City Notice to Public

September 23, 2019

FROM: MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF PALM SPRINGS

TO: GENERAL PUBLIC

RE: REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE ADOPTION OF ORDINANCE NO. 1987, AN INTERIM URGENCY ORDINANCE THAT EXTENDED BY SIX (6) MONTHS THE TEMPORARY SUSPENSION OF THE CITY'S APPROVAL OF NEW APPLICATIONS FOR PERMITS TO ENGAGE IN CANNABIS BUSINESS AND ACTIVITY IN PORTIONS OF THE DESERT HIGHLAND GATEWAY ESTATES AND DEMUTH PARK NEIGHBORHOODS OF THE CITY

On February 20, 2019, the City Council adopted an interim urgency ordinance (Ordinance No. 1983) that temporarily suspended the City's approval of new applications for permits to engage in cannabis business and activity, whether for medical or adult-use, in portions of the Desert Highland Gateway Estates and Demuth Park neighborhoods of the City. The interim urgency ordinance was effective for forty-five (45) days, set to expire on April 6, 2019.

Ordinance No. 1983 was adopted pursuant to California Government Code Section 65858 and provides that the ordinance shall expire forty-five (45) days from its date of adoption (April 6, 2019), unless the ordinance is extended by the Palm Springs City Council after additional notice and public hearing. The City Council may adopt up to two extensions of an interim urgency ordinance after giving proper notice and holding public hearings. Government Code Subsection 65858(a) permits a first extension of up to ten (10) months and fifteen (15) days, and a second extension for up to one year.

On April 3, 2019, the Palm Springs City Council held a noticed public hearing and adopted a new ordinance (Ordinance No. 1987) extending Ordinance No. 1983 by six (6) months, as authorized by Government Code Section 65858(a). Ordinance No. 1987 exempted Transportation and Distribution uses from the moratorium and clarified the geographic boundaries subject to the interim urgency ordinance. Ordinance No. 1987 is set to expire on October 3, 2019.

At a noticed public hearing to be held on October 2, 2019, the Palm Springs City Council will be asked to consider extending the interim moratorium a second time by adopting a new ordinance, as authorized by Government Code Section 65858. The

interim moratorium, if extended, would automatically expire one (1) calendar year from October 2, 2019 (October 2, 2020).

Government Code Section 65858(d) requires that at least ten (10) days prior to the expiration of the moratorium, the City Council must issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the ordinance. This is that required written report.

Since the initial adoption of the moratorium, the Planning Department, the Office of Special Programs, and the City Attorney's Office have undertaken efforts to review development and land use standards for cannabis business and activities that will address overconcentration of these activities. Further review includes: (a) drafting updates to the Zoning Code land use regulations to better address over-concentration of cannabis activities, (b) meeting with the Planning Commission to seek input and comment on proposed regulations, (c) and meeting with property owners who have been affected by the interim urgency ordinance for input.

It is noted that Staff has prepared and will present draft cannabis zoning regulations to the Planning Commission on September 25 and they will continue their discussion of this topic into October. Based upon the Planning Commission's input, Staff anticipates presenting draft regulations to the Council within the next couple of months.

Although Staff has made significant progress with the measures outlined above to address the overconcentration of cannabis-related businesses and activities, they are currently still under consideration and not yet final. As such, Staff will present to the Council at its October 2, 2019 meeting a request to extend the moratorium for an additional period of one (1) year. It is expected that a draft ordinance will be complete and adopted within this time frame.

Respectfully submitted,

Mayor and Palm Springs City Council