

RESOLUTION NO. 10313

A RESOLUTION OF THE CITY COUNCIL THE CITY OF INDIO, CALIFORNIA DETERMINING THE NUMBER OF CANNABIS STOREFRONT RETAIL BUSINESS PERMITS TO BE ISSUED IN THE CITY AND DETERMINING THAT ESTABLISHMENT OF THE NUMBER OF SAID PERMITS IS EXEMPT FROM REVIEW UNDER CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, on June 27, 2017, the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) was signed into law, which provides a comprehensive regulatory framework for licensing, control, and taxation of medical and adult-use cannabis-related businesses in California; and,

WHEREAS, on December 6, 2017, the City Council adopted Ordinance No. 1726 establishing Sections 159.565 through 159.568 of the Indio Municipal Code prohibiting commercial cannabis activity in the City; and,

WHEREAS, on May 18, 2022, the City Council adopted Ordinance No. 1779 amending Chapter 159 (zoning regulations) of the Indio Municipal Code to allow Cannabis Storefront Retailer and Cannabis Non-Storefront Retailer Businesses in commercial land use districts except for the neighborhood commercial zone, mixed use land use districts and on properties regulated by a specific plan or project master plan that permit commercial land uses excluding any properties designated as neighborhood commercial; amending the subchapter entitled Cannabis Activity (159.565 et. seq.); and making a determination that the ordinance was exempt from review under CEQA pursuant to CEQA Guidelines section 15061(b)(3); and,

WHEREAS, on May 18, 2022, the City Council adopted Ordinance No. 1780 adding a new Chapter 123 entitled cannabis business activities to Title XI, Business Regulations, of the Indio Municipal Code to regulate commercial cannabis uses in the city; and,

WHEREAS, Subsection 123.10 (C) of the Indio Municipal Code specifies that the number of each type of Cannabis Business that shall be permitted to operate in the City shall be established by resolution by the City Council; and,

WHEREAS, Subsection 123.10 (D) of the Indio Municipal Code specifies that notwithstanding Section 123.10 (C), the total number of allowable Cannabis Storefront Retail permits established by City Council resolution shall be no more than one (1) permit for every fifteen thousand (15,000) residents in the City of Indio, and no less than one (1) permit for every twenty-five thousand (25,000) residents in the City of Indio and that the population of the City of Indio shall be based on the official census population estimate, as periodically updated by the US Department of Commerce, Census Bureau; and,

WHEREAS, Subsection 123.10 (E) of the Indio Municipal Code specifies that each year following the City's initial award of permits, if any, or at any time in the City Council's

discretion, the City Council may reassess the number of Cannabis Business Permits which are authorized for issuance and make any changes by resolution; and,

WHEREAS, Subsection 123.10 (F) of the Indio Municipal Code specifies that the City Council, at its sole discretion, may determine that the number and/or types of Cannabis Business Permits should remain the same or be modified; and,

WHEREAS, one (1) permit per 17,500 residents in the City of Indio would result in five (5) total number of allowable Cannabis Storefront Retail Business Program permits based on the current census population for the City of Indio of 90,416 persons (Source: 2020 U.S. Census); and,

WHEREAS, the City Council has determined that the establishment of the establishment by resolution of the number of Cannabis Storefront Retail Business Permits to be issued in the City pursuant to Subsections 123.10 (C) and 123.10 (D) of the Indio Municipal Code is in the interest of the public health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, HEREBY RESOLVES, FINDS AND DETERMINES AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in the recitals of this Resolution are true and correct and are incorporated herein.

Section 2. The total number of permits to be issued in the City for the City's Cannabis Business Permit Program shall be five (5) Storefront Retail permits based on the current official census population estimate by the US Department of Commerce, Census Bureau.

Section 3. The City Council finds that the determination of the number of permits to be issued in the City for the City's Cannabis Business Permit Program is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. The City Council previously adopted Ordinance No. 1779 governing the locations of storefront cannabis retail, non-storefront cannabis retail and cannabis delivery. The City Council also approved Ordinance No. 1780 that regulates the operation of storefront cannabis retail, non-storefront cannabis retail and cannabis delivery in the City. The determination of the number of permits to be issued in the City for the City's Cannabis Business Permit Program is covered by the common sense exemption in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Accordingly, the City Council finds the adoption of said fees exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4. This Resolution shall take effect upon its adoption.

Section 5. The City Clerk shall certify to the passage, approval, and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 20th day of July, 2022.



WAYMOND FERMON
MAYOR

ATTEST:



CYNTHIA HERNANDEZ, CMC
CITY CLERK

CERTIFICATION

I, Sabdi Sanchez, City Clerk Administrator of the City of Indio, California, hereby certify that **Resolution No. 10313** was duly and regularly adopted at a meeting of the City Council held on the 20th day of July 2022 by the following vote, to wit:

Ayes: Holmes, Miller, Ramos Amith, Mayor Pro Tem Ortiz and Mayor Fermon
Noes: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Indio, California, this 20th day of July 2022.



SABDI SANCHEZ, CMC
City Clerk Administrator
City of Indio

