

ORDINANCE NO. _____

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, CONTINUING THE PROVISIONS OF ORDINANCE NO. _____ ADOPTING AND IMPOSING A TEMPORARY MORATORIUM ON THE APPROVAL OF LICENSES, PERMITS, APPROVALS, OR OTHER ENTITLEMENTS FOR USE, INCLUDING ANY MODIFICATION THEREOF, FOR CANNABIS BUSINESSES, WITHIN THE CITY OF CATHEDRAL CITY FOR A ADDITIONAL PERIOD OF TEN (10) MONTHS AND FIFTEEN (15) DAYS

WHEREAS, the City of Cathedral City (“City”) permits and regulates certain cannabis businesses pursuant to Chapters 5.88 and 9.68 of the Cathedral City Municipal Code and adopted administrative regulations (“Cannabis Regulations”); and

WHEREAS, in April 2024, the City began experiencing a higher number of cannabis odor complaints. Between January 1 and March 30, 2024, the City received a total of 38 cannabis odor reports. Between April 1 and December 31, 2024, the City received an additional 904 cannabis odor complaints, including 220 in November 2024 and 501 in December 2024. These complaints frequently cite the interference with the use and enjoyment of their property; and

WHEREAS, the above-mentioned complaints concerning cannabis odors were reported across the City with a large number of complaints occurring in the vicinity of Date Palm Drive and Ramon Road with the balance of complaints pertaining to businesses located off of Perez Road, Kieleley Road, Bankside Drive, and Sunair Plaza; and

WHEREAS, Government Code Section 65858 allows cities to protect the public health, safety and welfare by adopting interim emergency moratoria in order to allow time to study whether certain land uses should be allowed, prohibited, or regulated under the City’s municipal code; and

WHEREAS, on January 22, 2025, the City Council adopted Ordinance No. 884, which enacted a forty five (45) day interim moratorium on the approval or issuance of new licenses, permits, approvals, or other entitlements for grading, building, improvements, and/or use to a cannabis business as more particularly described therein (“Ordinance No. 884”); and

WHEREAS, Government Code Section 65858 authorizes the City Council to extend the moratorium enacted by Ordinance No. 884 for an additional period of ten (10) months and fifteen (15) days; and

WHEREAS, since adoption of Ordinance No. 884 on January 22, 2025, the City continues to receive odor complaints and, in response to such complaints, the City has increased its resources dedicated to cannabis odor detection. The City’s Code Compliance Division created and distributed a cannabis odor reporting memorandum and implemented a proactive patrol system with a schedule for collecting data on

cannabis odor within the community. These patrols have included overtime shifts through the Code Compliance Division and overtime patrols by the Cathedral City Police Department with an emphasis on the areas in proximity to the large cannabis cultivation facility near Date Palm Drive and Ramon Road, which potentially qualify as nuisance odors under Section 13.80.240 of the Cathedral City Municipal Code; and

WHEREAS, between December 1, 2024, and February 12, 2025, the City has conducted 59 patrols and collected 227 observation points, identifying odor approximately 37 percent of the time; and

WHEREAS, the City therefore continues to be concerned about the efficacy of the Cannabis Regulations in preventing/minimizing cannabis odors emanating from the City's cannabis businesses and about the impact of such odors upon sensitive receptors (e.g., residential properties, schools, community centers, places of worship) and the effect thereof upon the public health, safety and welfare; and

WHEREAS, since the adoption of Ordinance No. 884, the City requires additional time to study what legislative steps might be appropriate to amend the Cannabis Regulations within the City in order to protect the public health, safety, and welfare of the public; and

WHEREAS, pursuant to Government Code Section 65858, the City may, after notice and a public hearing, extend the moratorium enacted by Ordinance No. 884 for up to ten (10) months and fifteen (15) days; and

WHEREAS, as described in this Ordinance, the City Council continues to find that there is a current and immediate threat to the public health, safety, and welfare based on the findings herein and the findings contained in Ordinance No. 884, and upon that basis has determined that an extension of the moratorium enacted in Ordinance No. 884 is warranted; and

WHEREAS, the City has complied with the notice and public hearing requirements of Government Code Sections 65858(a) and 65090; and

WHEREAS, the report required by Government Code Section 65858(d) has been prepared and made available to the public at the City Clerk's Office. In addition, the agenda report accompanying this ordinance provides the information required under Government Code section 65858(d).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES HEREBY ORDAINS AS FOLLOWS:

Section 1. FINDINGS

The City Council finds and determines the following:

(a) The recitals set forth above are hereby adopted as findings of the City Council.

(b) The factual basis for extending the moratorium enacted by Ordinance No. 884 also includes the recitals and findings set forth in Ordinance No. 884, which are adopted and incorporated herein by this reference.

(c) Pursuant to Government Code Section 65858(d), the City has issued the report relative to the steps taken to alleviate the conditions that necessitated the adoption of Ordinance No. 884.

(d) Based upon the above and all oral and written testimony and reports presented by members of the public and City staff to the City Council on February 26, 2025, there continues to be an immediate threat of harm to the public, health, safety, and welfare that may occur if licenses, permits, approvals, or other entitlements for grading, building, improvements, and/or use are approved for or issued to cannabis businesses pursuant to the current Cannabis Regulations.

(e) In order to appropriately respond to this immediate threat of harm to public health, safety, and welfare, the City needs more time to do the following: (1) assess whether there is an over concentration of cannabis business within the City such that it would impact the public health, safety, and welfare of the City's residents, or cause excessive or chronic nuisance conditions that may impact the health, safety, and welfare of the City's residents; (2) study the impacts of cannabis businesses upon the City and its residents; (3) study potential new or amended regulatory requirements for cannabis businesses, including, without limitation, appropriate distancing requirements and maximum number and concentration of business within areas of the City and the City as a whole; and (4) assess any other impacts that cannabis businesses may have upon the City that jeopardize the public health, safety, and welfare.

(f) Based upon the forgoing, the City desires to extend the moratorium described in Ordinance No. 884 by ten (10) months and fifteen (15) days.

Section 2. EXTENSION OF MORATORIUM

Pursuant to the authority granted to the City Council by California Government Code Section 65858 to protect the health, safety and general welfare of the residents of the City of Cathedral City, and based upon the findings set forth above and all oral and written testimony and reports presented by members of the public and City staff to the City Council on February 26, 2025, the City Council hereby extends the term of Ordinance No. 884 for a period of ten (10) months and fifteen (15) days from the expiration date of March 8, 2025, for a new expiration date of January 23, 2026.

Section 3. REPORT

Pursuant to Government Code Section 65858(d), ten (10) days prior to the expiration or any extension of this Ordinance, the City Council will issue a written report describing the measures taken to alleviate the conditions which led to the adoption of this Ordinance.

Section 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the adoption of this Ordinance will have a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; rather it prevents changes in the environment pending the completion of the contemplated Municipal Code review.

Section 5. SEVERABILITY

If any chapter, sections, subsections, subdivisions, sentences, clauses, phrases, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each chapter, sections, subsections, subdivisions, sentences, clauses, phrases, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 6. EFFECTIVE DATE

This Ordinance is declared to be an urgency ordinance by authority conferred on the City Council of the City of Cathedral City by Government Code Section 65858, and shall be in full force and effect immediately upon its adoption by a four-fifths vote of the City Council.

Section 7. POSTING

The City Clerk shall cause this Ordinance to be posted in the manner as required by law.

Section 8. CERTIFICATION

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on the 26th day of February, 2025, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Nancy Ross, Mayor

ATTEST:

Tracey Hermosillo, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney