

RESOLUTION NO. 23-146

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING A NOTICE OF AWARD OF SOCIAL EQUITY CANNABIS BUSINESS PERMITS TO NEBRINA MADERA, LLC AND CALIFORNIA CANNOISSEUR, LLC.

WHEREAS, on June 16, 2021, the City Council of the City of Madera (Council) adopted Ordinance No. 977 C.S. adding Chapter 5 to Title VI (Cannabis Businesses) to the City of Madera Municipal Code (MMC) to permit commercial cannabis businesses within the City of Madera (City) and establish a regulatory program requiring all commercial cannabis uses to obtain a commercial cannabis business permit issued by the City prior to commencing operation; and

WHEREAS, MMC Section 6-5.10 provides 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 Council; and

WHEREAS, MMC Section 6-5.10 further provides the Council at its sole discretion may determine the number and/or types of Cannabis Business Permits should remain the same or be modified; and

WHEREAS, on December 1, 2021, Council adopted Resolution No. 21-167 determining the number and type of cannabis business permits that may be issued in the City; and

WHEREAS, Resolution No. 21-167 authorizes a total of two Social Equity commercial Cannabis Business Permits to be granted in the City; and

WHEREAS, the filing period for commercial cannabis business license applications opened on April 15, 2022; and

WHEREAS, the City held two commercial cannabis business license application informational Zoom meetings on April 19, 2022 and April 21, 21, 2022; and

WHEREAS, the commercial cannabis business license application filing period closed on June 20, 2022; and

WHEREAS, the City received two Social Equity commercial business license applications – an application from Nebrina Madera, LLC and an application from California Cannoisseur, LLC (collectively “applicants”); and

WHEREAS, both applications were reviewed pursuant to MMC Section 6-5.14 of the Cannabis Ordinance; and

WHEREAS, both applications were deemed complete, and each applicant was issued a zoning verification letter; and

WHEREAS, both applications were scored pursuant to the Phase II evaluation criteria in the application procedures and guidelines adopted by the City Council as set forth in Resolution No. 21-169; and

WHEREAS, Nebrina Madera, LLC, received an application score of 100 percent and California Cannoisseur, LLC, received an application score of 99.93 percent;

WHEREAS, there were no Social Equity appeals in the Phase II process, enabling both applicants to promptly proceed forward to Phase III of the application process; and

WHEREAS, the City provided notices of the Social Equity Cannabis Business License Community Meeting; and

WHEREAS, the Social Equity Cannabis Business License Community Meeting was held May 4, 2023; and

WHEREAS, both applicants completed Phase III of the application process, enabling both applicants to proceed forward to Phase IV of the application process; and

WHEREAS, the City Council of the City of Madera interviewed both applicants prior to taking action on adopting this resolution; and

WHEREAS, as a condition to the award of a Cannabis Business Permit, the applicants are required to first enter into a Community Benefit Agreement with the City, and if and when such a Community Benefit Agreement is executed, then obtain all required land use approvals and a business license prior to use of the Cannabis Business Permit; and

WHEREAS, the City Council now desires to make a determination to award the applicants a Cannabis Business Permit; and

NOW THEREFORE, the City Council of the City of Madera hereby resolves and finds, and orders as follows:

1. The above recitals are true and correct and are incorporated herein.
2. The Council awards a social equity Cannabis Business Permit to Nebrina Madera, LLC, and a social equity cannabis business permit to California Cannoisseur, LLC. The following conditions shall apply to each Cannabis Business Permit:
 - a. The operator of each cannabis facility shall enter into a Community Benefit Agreement with the City setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of MMC 6-5.37.C, including, but not limited to community benefits such as public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety, and welfare. In addition, any community benefits agreed to

be provided shall be incorporated into the terms and conditions under which the commercial cannabis business will operate with the City of Madera approval, if and when a Community Benefit Agreement is executed. Upon entry into a Community Benefit Agreement, the business is then authorized to proceed to apply for any land use permits (site plan) and a business license and related approvals. If no Community Benefit Agreement is executed, then the Cannabis Business Permit may not be exercised, and will expire in 12 months.

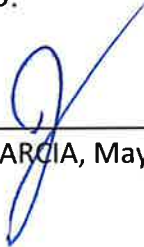
- b. The operator of each cannabis facility shall at all times comply with the requirements of State and local law, including the requirements of Chapter 5 of Title VI: Business, Professions, and Trades of the City Municipal Code.

3. This resolution is effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Madera this 16th day of August 2023 by the following vote:

- AYES: Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Mejia and Villegas.
- NOES: None.
- ABSTENTIONS: None.
- ABSENT: Councilmember Evans.

APPROVED:



 SANTOS GARCIA, Mayor

ATTEST:



 ALICIA GONZALES, City Clerk

