

ORDINANCE NO. 1944

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 91, 92, AND 93 OF THE PALM SPRINGS ZONING CODE RELATIVE TO ZONING REQUIREMENTS AND DEVELOPMENT STANDARDS FOR COMMERCIAL MEDICAL AND ADULT-USE CANNABIS FACILITIES (4/5<sup>ths</sup> VOTE REQUIRED).

**City Attorney Summary**

*This Ordinance amends provisions of the City's Zoning Code to establish and amend zoning regulations for new Commercial Medical and Adult-Use Cannabis Facilities, as permitted under the Medical and Adult Use Cannabis Regulation and Safety Act. This interim urgency ordinance would be effective immediately upon adoption.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS:

A. The City of Palm Springs is a charter city organized pursuant to Article XI of the California Constitution and pursuant to the authority granted the City by Sections 5 and 7 of Article XI, the City has the power to make and enforce within its limits all ordinances and regulations in respect to municipal affairs not in conflict with general laws and its own charter. Such police powers include without limitation the ability to adopt comprehensive zoning regulations and regulations upon the use of land and property within the City.

B. Pursuant to Article XI, Section 7 of the California Constitution, the City of Palm Springs may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

C. The Federal Government has issued guidelines for states and local governments that have enacted laws authorizing cannabis-related conduct, requiring them to implement strong and effective regulatory and enforcement systems that will address the threat that medical and adult-use cannabis activity could pose to public safety, public health, and other law enforcement interests.

D. On June 27, 2017, Governor Brown signed into law the Medical and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), legislation intended to provide and consolidate a comprehensive regulatory framework for licensing, control, and taxation of commercial medical and adult-use cannabis related businesses in California. MAUCRSA expressly protects a City's local licensing practices, zoning authority, and other local actions taken pursuant to the City's Constitutional municipal and police powers. State law, inclusive of MAUCRSA, contains statutory provisions that:

1. Allow local governments to enact ordinances expressing their intent to allow or prohibit the cultivation of cannabis and their intent to administer or not administer a conditional permit program pursuant to California Health and Safety Code section 11362.777 for the cultivation of cannabis;
2. Expressly provide that state law does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances or enforcement of local permit or licensing requirements regarding cannabis per California Business and Professions Code section 19315(a);
3. Expressly provide that state law does not limit the civil or administrative authority or remedies of a local government provision of law regarding cannabis including, but not limited to, a local government's right to make and to enforce within its limits all regulations not in conflict with general laws per California Business and Professions Code section 19316(c);
4. Specifically require, as a condition of state licensure, compliance with any and all local requirements for all cannabis-related operations.

E. With that purpose, the City Council has adopted Chapters 5.45 and 5.55 of the Palm Springs Municipal Code to accommodate businesses allowing the commercial medical and adult use of cannabis while protecting the health, safety, and general welfare of the residents and businesses within incorporated areas of the City of Palm Springs in compliance with all applicable state law.

F. It is the intent of the City Council to have a strong and effective regulatory and enforcement system with regard to commercial medical and adult-use cannabis that addresses identifiable challenges to public health, safety, and welfare, and advances law enforcement and community concerns through robust zoning controls and licensing procedures that are effective in practice.

G. The City Council desires to establish reasonable zoning regulations and development standards related to commercial medical and adult-use cannabis related businesses which are intended to address the negative impacts and nuisance impacts associated with the uses.

H. The City Council finds that the uses and activities permitted under this ordinance are consistent with and implement the goals and policies of the Palm Springs General Plan.

I. The City Council finds that the adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to the following provisions of the CEQA Guidelines, 14 Cal. Code of Regulations, Chapter 3:

1. The ordinance is exempt under CEQA Guidelines Section 15378(b)(5) in that it is not a "project" under CEQA, and is an organizational or administrative activity of the City that will not result in direct or indirect physical changes in the environment;
  2. The ordinance is exempt under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the administrative activity in question may have a significant effect on the environment. The commercial medical and adult-use cannabis businesses conforming to the various categories provided under state law and Palm Springs Municipal Code Chapters 5.45. and 5.55 will have environmental impacts that are similar to other farming, manufacturing, distribution, laboratory, and transportation and distribution activities already authorized within the City. The actual, potential, direct, indirect and cumulative environmental impacts of each of these businesses, if any, will be analyzed and mitigated, to the extent that any mitigation is required, on a project-by-project basis. Any identification of particular environmental impacts arising from or related to this administrative activity taken through this ordinance would be entirely speculative. Further, there is no possibility that this Ordinance would create cumulative impacts that are significant because this Ordinance does not authorize construction, development or other related activities or any other activities that are not already permitted, except that the ordinance allows the same activities but in relation to a different material (adult-use or commercial medical cannabis) that is being grown, sold, transported, or otherwise utilized in some form. There are no other significant impacts that could occur as a result of this ordinance, and there are no unusual circumstances that would cause any such significant impacts; and
  3. The Ordinance is also exempt under CEQA Guidelines Section 15183 (projects consistent with existing zoning, the general plan, or a community plan) since the types of businesses permitted by the Ordinance are consistent with those contemplated by general plan and zoning, such as agriculture, manufacture, and distribution of other agricultural products and/or products to be used as pharmaceuticals.
- J. The City Council makes the following findings as to the urgency of the adoption of this interim urgency ordinance:
1. The City Council adopted Ordinance 1933 on July 26, 2017, and the City's current regulations providing for permitting of commercial medical cannabis and adult-use cannabis businesses went into effect on August 25, 2017. Since that time, fourteen (14) businesses have applied for regulatory permits to operate in the City, in anticipation of the state finalizing its regulations and commencing to issue licenses. Throughout

the application process, the City has placed applicants on notice that zoning and development standards have not yet been adopted by the City Council, and that each applicant is proceeding "at risk" with respect to its proposed location. Based upon City communications with applicants, uncertainty among applicants as to where certain medical and adult-use cannabis uses will be permitted, conditionally permitted, and prohibited has adversely impacted the ability of applicants to move forward with commitments regarding real estate, *i.e.*, the specific location of a proposed cannabis use, and to commit resources to providing enhanced detail in applications being prepared. As a result, the City has determined that the absence of adopted zoning and development standards for cannabis uses is delaying the evolution of commercial medical and adult-use cannabis that advance the public health, safety and welfare.

2. Now that the voters of the City have approved Measure E, the City Council desires to consider and approve, with all possible speed, the zoning and development standards reflected in this interim urgency ordinance, which are identical to the zoning and development standards that will go into effect during January 2018 pursuant to the parallel "regular" introduced on even date with the adoption of this interim urgency ordinance.
3. The City will be ready to issue permits prior to January 2018. At least some permit-holders will be adversely impacted if the City has no zoning and development standards in place prior to that time. Again, with the voters' approval of Measure E, and the corresponding legislative reality that the City will be issuing permits under Chapters 5.45 and 5.55 of the Palm Springs Municipal Code, the City anticipates that many more applications will be filed in upcoming weeks. Adoption of this interim urgency ordinance will likely augment the number and enhance the quality of those applications, and will be the best means to advance the public health, safety and welfare insofar as they relate to the regulation and growth of the commercial medical and adult-use cannabis businesses in the City.

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:**

**SECTION 1.** Palm Springs Zoning Code (PSZC) Section 91.00.10(B) is hereby amended to read:

"Adult-Use Cannabis Dispensary" means a premises where Adult-Use Cannabis, Adult-Use Cannabis products, or devices for Adult-Use Cannabis or Adult-Use Cannabis products are offered, either individually or in any combination, for retail sale, and where the operator holds a valid adult-use cannabis business permit from the City of Palm Springs authorizing the operation of a dispensary, and a valid state license as required by State Law to operate a dispensary.

**"Adult-Use Cannabis Facility"** means any business or operation which engages in adult-use cannabis activity.

**"Cannabis Lounge"** means a discrete facility where Medical or Adult Use Cannabis and Medical or Adult Use Cannabis products may be smoked or ingested within the confines of the facility.

**"Downtown"** means that portion of the City within the boundaries of Alejo Road on the north, Ramon Road on the south, Belardo Road/Museum Drive on the west and Indian Canyon Drive on the east. This area includes both sides of Palm Canyon Drive, Amado Road, Andreas Road, Tahquitz Canyon Way, Arenas Road and Baristo Road within such boundaries.

**"Medical Cannabis Dispensary"** means a premises where medical cannabis, medical cannabis product, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, and where the operator holds a valid medical cannabis business permit from the City of Palm Springs authorizing the operation of a dispensary, and a valid state license as required by State Law to operate a dispensary.

**"Medical Cannabis Facility"** means any business or operation which engages in medical cannabis activity.

**"Medical or Adult-Use Cannabis Transportation and Distribution Facility"** means a facility for the procurement, sale, storage, transfer and transport of cannabis and cannabis products between entities licensed pursuant to this chapter.

**"Medical or Adult-Use Cannabis Cultivation Facility"** means a facility where cannabis is cultivated and processed only for distribution to a licensed Medical or Adult-Use Cannabis Facility.

**"Medical or Adult-Use Cannabis Manufacturing Facility"** means a facility where cannabis is processed, extracted, or compounded into edible or topical products intended for consumption, inhalation, or topical application, including a facility that packages or repackages cannabis products, where the operator holds a valid permit for manufacturing from the City of Palm Springs, and a valid state license as required by State Law for manufacturing.

**"Medical or Adult-Use Cannabis Testing Facility"** means a facility, entity, or site that offers or performs testing of medical or adult-use cannabis, or medical or adult-use cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in any segment or aspect of the cannabis industry in the state; and

2. Registered with the California State Department of Public Health.

"Premises" means the land and any structures erected on it or the defined space within a building assigned to a single occupancy.

"Uptown" means that portion of the City within the boundaries of Alejo Road on the south, Vista Chino on the north, the west side of Palm Canyon Drive on the west, and Indian Canyon Drive on the east.

SECTION 2. PSZC Section 92.09.01(A) is hereby amended to read:

12. Cannabis lounge, subject to the property development standards contained in Section 93.23.15 of this Code;

33. Medical cannabis dispensary or adult-use cannabis dispensary, subject to the property development standards contained in Section 93.23.15 of this Code;

*(Following uses renumbered accordingly)*

SECTION 3. PSZC Section 92.12.01(A) is hereby amended to read:

17. Cannabis lounge, subject to the property development standards contained in Section 93.23.15 of this Code;

35. Medical cannabis dispensary or adult-use cannabis dispensary, subject to the property development standards contained in Section 93.23.15 of this Code;

*(Following uses renumbered accordingly)*

SECTION 4. PSZC Section 92.14.01(A) is hereby amended to read:

9. Cannabis lounge, subject to the property development standards contained in Section 93.23.15 of this Code;

~~18-19.~~ 19. Medical cannabis dispensary or adult-use cannabis dispensary, subject to the property development standards contained in Section 93.23.15 of this Code;

*(Following uses renumbered accordingly)*

**SECTION 5.** PSZC Section 92.14.1.01(A) is hereby amended to read:

2. Cannabis lounge, subject to the property development standards contained in Section 93.23.15 of this Code;

4.5. Medical cannabis dispensary or adult-use cannabis dispensary, subject to the property development standards contained in Section 92.23.15 of this Code;

*(Following uses renumbered accordingly)*

**SECTION 6.** PSZC Section 92.15.01(A) is hereby amended to read:

9. Cannabis lounge, subject to the property development standards contained in Section 93.23.15 of this Code;

~~20. Medical cannabis cultivation facilities, subject to the property development standards contained in Section 93.23.15 of this Code and compliance with the provisions of Chapter 5.35 of this Code;~~

21. Medical cannabis dispensary or adult-use cannabis dispensary, subject to the property development standards contained in Section 93.23.15 of this Code;

22. Medical or adult-use cannabis transportation and distribution facility, subject to the development standards contained in Section 93.23.15 of this Code;

*(Following uses renumbered accordingly)*

**SECTION 7.** PSZC Section 92.15.01(C) is hereby amended to eliminate the following use:

~~14. Medical cannabis manufacturing facility and medical cannabis testing facility.~~

*(Following uses renumbered accordingly)*

**SECTION 8.** PSZC Section 92.15.01(D) is hereby amended to read:

9. Medical or adult-use cannabis cultivation facility, subject to the development standards contained in Section 93.23.15 of this Code;

10. Medical or adult-use cannabis manufacturing facility, subject to the

development standards contained in Section 93.23.15 of this Code;

11. Medical or adult-use cannabis testing facility, subject to the development standards contained in Section 93.23.15 of this Code;

*(Other uses renumbered accordingly)*

SECTION 9. PSZC Section 92.16.01(A) is hereby amended to read:

4. Cannabis lounge, subject to the property development standards contained in Section 93.23.15 of this Code;

~~5. Medical cannabis cultivation facilities, subject to the property development standards contained in Section 93.23.15 of this Code and compliance with the provisions of Chapter 5.35 of this Code;~~

6. Medical cannabis dispensary or adult-use cannabis dispensary, subject to the property development standards contained in Section 93.23.15 of this Code;

7. Medical or adult-use cannabis transportation and distribution facility, subject to the development standards contained in Section 93.23.15 of this Code;

*(Following uses renumbered accordingly)*

SECTION 10. PSZC Section 92.16.01(C) is hereby amended to eliminate the following use:

~~4. Medical cannabis manufacturing facility and medical cannabis testing facility;~~

*(Following uses renumbered accordingly)*

SECTION 11. PSZC Section 92.16.01(D) is hereby amended to read:

9. Medical or adult-use cannabis cultivation facility, subject to the development standards contained in Section 93.23.15 of this Code;

10. Medical or adult-use cannabis manufacturing facility, subject to the development standards contained in Section 93.23.15 of this Code;

11. Medical or adult-use cannabis testing facility, subject to the development standards contained in Section 93.23.15 of this Code;



*(Other uses renumbered accordingly)*

SECTION 12. PSZC Section 92.17.01(A) is hereby to read:

4. Cannabis lounge, subject to the property development standards contained in Section 93.23.15 of this Code;

~~7. Medical cannabis cultivation facilities, subject to the property development standards contained in Section 93.23.15 of this Code and compliance with the provisions of Chapter 5.35 of this Code;~~

7. Medical or adult-use cannabis transportation and distribution facility, subject to the development standards contained in Section 93.23.15 of this Code;

~~44-12. Services.~~

i. Medical cannabis dispensary or adult-use cannabis dispensary, subject to the property development standards contained in Section 93.23.15 of this Code;

*(Following uses renumbered accordingly)*

SECTION 13. PSZC Section 92.17.01(C) is hereby amended to eliminate the following use:

~~4. Medical cannabis manufacturing facility and medical cannabis testing facility;~~

*(Following uses renumbered accordingly)*

SECTION 14. PSZC Section 92.17.01(D) is hereby amended to read:

15. Medical or adult-use cannabis cultivation facility, subject to the development standards contained in Section 93.23.15 of this Code;

16. Medical or adult-use cannabis manufacturing facility, subject to the development standards contained in Section 93.23.15 of this Code;

17. Medical or adult-use cannabis testing facility, subject to the development standards contained in Section 93.23.15 of this Code;

*(Other uses renumbered accordingly)*

SECTION 15. PSZC Section 92.17.1.01(A) is hereby amended to read:

3. Cannabis lounge, subject to the property development standards contained in Section 93.23.15 of this Code;

~~6. Medical cannabis cultivation facilities, subject to the property development standards contained in Section 93.23.15 of this Code and compliance with the provisions of Chapter 5.35 of this Code;~~

7. Medical cannabis dispensary or adult-use cannabis dispensary, subject to the property development standards contained in Section 93.23.15 of this Code;

8. Medical or adult-use cannabis transportation and distribution facility, subject to the development standards contained in Section 93.23.15 of this Code;

*(Following uses renumbered accordingly)*

SECTION 16. PSZC Section 92.17.1.01(C) is hereby amended to eliminate the following use:

~~3. Medical cannabis manufacturing facility and medical cannabis testing facility.~~

SECTION 17. PSZC Section 92.17.1.01(D) is hereby amended to read:

13. Medical or adult-use cannabis cultivation facility, subject to the development standards contained in Section 93.23.15 of this Code;

14. Medical or adult-use cannabis manufacturing facility, subject to the development standards contained in Section 93.23.15 of this Code;

15. Medical or adult-use cannabis testing facility, subject to the development standards contained in Section 93.23.15 of this Code;

*(Other uses renumbered accordingly)*

SECTION 18. PSZC Section 92.17.2.01(A) is hereby amended to read:

~~7. Medical cannabis cultivation facilities, subject to the property development standards contained in Section 93.23.15 of this Code and compliance with the provisions of Chapter 5.35 of this Code.~~

7. Medical or adult-use cannabis transportation and distribution facility, subject to the development standards contained in Section 93.23.15 of this Code;

SECTION 19. PSZC Section 92.17.2.01(C) is hereby amended to eliminate the following use:

~~2. Medical cannabis manufacturing facility and medical cannabis testing facility;~~

SECTION 20. PSZC Section 92.17.2.01(D) is hereby amended to read:

10. Medical or adult-use cannabis cultivation facility, subject to the development standards contained in Section 93.23.15 of this Code;

11. Medical or adult-use cannabis manufacturing facility, subject to the development standards contained in Section 93.23.15 of this Code;

12. Medical or adult-use cannabis testing facility, subject to the development standards contained in Section 93.23.15 of this Code;

*(Following uses renumbered accordingly)*

SECTION 21. PSZC Section 92.18.01(A) is hereby amended to read:

~~10. Medical cannabis cultivation facilities, subject to the property development standards contained in Section 93.23.15 of this Code and compliance with the provisions of Chapter 5.35 of this Code;~~

~~11.10.~~ Medical cannabis dispensary or adult-use cannabis dispensary, subject to the property development standards contained in Section 93.23.15 of this Code;

11. Medical or adult-use cannabis transportation and distribution facility, subject to the development standards contained in Section 93.23.15 of this Code;

SECTION 22. PSZC Section 92.18.01(C) is hereby amended to read:

5. Medical or adult-use cannabis cultivation facility, subject to the development standards contained in Section 93.23.15 of this Code;

*(Following uses renumbered accordingly)*

**SECTION 23.** PSZC Section 93.23.15 is hereby amended to read:

**A. General Requirements.** No land use entitlement, permit (including building permit) approval, site plan, certificate of occupancy, zoning clearance, or other land use authorization for a Medical Cannabis Facility or an Adult Use Cannabis Facility shall be granted or permitted except in conformance with this Section.

**B. Regulatory Permit Required.** Medical Cannabis Facilities and Adult Use Cannabis Facilities shall be permitted only upon application and approval of a regulatory permit in accordance with the criteria and process set forth in Chapter 5.35, Chapter 5.45 or Chapter 5.55 of this Code. Prior to initiating operations, and as a continuing requisite to conducting operations, the person or the legal representative of the person wishing to operate a Medical Cannabis Facility or an Adult Use Cannabis Facility, as those terms are defined in Section 91.00.10, shall secure a regulatory permit from the City Manager under the terms and conditions set forth in Chapter 5.35, Chapter 5.45, or Chapter 5.55 of this Code and shall otherwise fully comply with the provisions of this Section.

**C. Separation Distance Requirements.** No Medical Cannabis Facilities or Adult Use Cannabis Facilities shall be established, developed or operated except in accordance with the separation distances as listed below. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the property on which the Cannabis Facility is, or will be located, and to the nearest property line of those uses described in this Subsection. Administrative modifications for this standard may be granted by the City Council pursuant to Section 94.06.01.B.

1. Cannabis Lounge Facilities. Cannabis Lounge Facilities shall be subject to the following separation distance requirements:
  - (a) From other Cannabis Lounge Facilities: No separation distance shall be required.
  - (b) From Medical Cannabis Cooperatives or Collectives: No separation distance shall be required.
  - (c) From Medical Cannabis or Adult Use Cannabis Dispensaries (Commercial Zones): No separation distance shall be required.
  - (d) From Medical Cannabis or Adult Use Cannabis Dispensaries (Industrial Zones): No separation distance shall be required.
  - (e) From Medical Cannabis or Adult Use Cannabis Dispensaries (Downtown/Uptown): No separation distance shall be required.
  - (f) From Medical or Adult Use Manufacturing Facilities, Testing Facilities, Cultivation Facilities, and Transportation and Distribution Facilities: No separation distance shall be required.
  - (g) From Palm Canyon Drive: No separation distance shall be required in the Downtown/Uptown areas; a minimum 250-foot separation distance shall be required in all other zones.
  - (h) From Residential Zones: No separation distance from residential zones

shall be required in the Downtown/Uptown areas; a 250-foot separation distance shall be required in all other zones.

- (i) From Protected Child-Related Uses (schools, public playgrounds, public parks, day care/child care centers, youth centers): A minimum 1000-foot separation distance shall be required.

2. Medical Cannabis Cooperatives or Collectives.

- a. From other Medical Cannabis Cooperatives or Collectives: No separation distance shall be required.
- b. From Cannabis Lounge Facilities: No separation distance shall be required.
- c. From Medical Cannabis or Adult Use Cannabis Dispensaries (Commercial Zones): No separation distance shall be required.
- d. From Medical Cannabis or Adult Use Cannabis Dispensaries (Industrial Zones): No separation distance shall be required.
- e. From Medical Cannabis or Adult Use Cannabis Dispensaries (Downtown/Uptown): No separation distance shall be required.
- f. From Medical or Adult Use Manufacturing Facilities, Testing Facilities, Cultivation Facilities, and Transportation and Distribution Facilities: No separation distance shall be required.
- g. From Palm Canyon Drive: A minimum 250-foot separation distance shall be required.
- h. From Residential Zones: A minimum 250-foot separation distance shall be required.
- i. From Protected Child-Related Uses (schools, public playgrounds, public parks, day care/child care centers, youth centers): A minimum 600-foot separation distance shall be required.

3. Medical or Adult Use Cannabis Dispensaries (Commercial Zones).

- a. From other Medical or Adult Use Cannabis Dispensaries (Commercial Zones): A minimum 1000-foot separation distance shall be required.
- b. From Cannabis Lounge Facilities: No separation distance shall be required.
- c. From Medical Cannabis Cooperatives or Collectives: A minimum 1000-foot separation distance shall be required.
- d. From Medical Cannabis or Adult Use Cannabis Dispensaries (Industrial Zones): A minimum 1000-foot separation distance shall be required.
- e. From Medical Cannabis or Adult Use Cannabis Dispensaries (Downtown/Uptown): A minimum 2000-foot separation distance shall be required.
- f. From Medical or Adult Use Manufacturing Facilities, Testing Facilities, Cultivation Facilities, and Transportation and Distribution Facilities: No separation distance shall be required.
- g. From Palm Canyon Drive: A minimum 250-foot separation distance shall be required.

- h. From Residential Zones: A minimum 250-foot separation distance shall be required.
- i. From Protected Child-Related Uses (schools, public playgrounds, public parks, day care/child care centers, youth centers): A minimum 600-foot separation distance shall be required.

4. Medical or Adult Use Cannabis Dispensaries (Industrial Zones).

- (a) From other Medical Cannabis or Adult Use Cannabis Dispensaries (Industrial Zones): A minimum 500-foot separation distance shall be required.
- (b) From Cannabis Lounge Facilities: No separation distance shall be required.
- (c) From Medical Cannabis Cooperatives or Collectives: A minimum 500-foot separation distance shall be required.
- (d) From Medical Cannabis or Adult Use Cannabis Dispensaries (Commercial Zones): A minimum 1000-foot separation distance shall be required.
- (e) From Medical Cannabis or Adult Use Cannabis Dispensaries (Downtown/Uptown): A minimum 2000-foot separation distance shall be required.
- (f) From Medical or Adult Use Manufacturing Facilities, Testing Facilities, Cultivation Facilities, and Transportation and Distribution Facilities: No separation distance shall be required.
- (g) From Palm Canyon Drive: A minimum 250-foot separation distance shall be required.
- (h) From Residential Zones: A minimum 250-foot separation distance shall be required.
- (i) From Protected Child-Related Uses (schools, public playgrounds, public parks, day care/child care centers, youth centers): A minimum 600-foot separation distance shall be required.
- (j)

5. Medical or Adult Use Cannabis Dispensaries (Downtown/Uptown).

- (a) From other Medical Cannabis or Adult Use Cannabis Dispensaries (Downtown/Uptown): A minimum 2000-foot separation distance shall be required.
- (b) Cannabis Lounge Facilities: No separation distance shall be required.
- (c) From Medical Cannabis Cooperatives or Collectives: A minimum 2000-foot separation distance shall be required.
- (d) From Medical Cannabis or Adult Use Cannabis Dispensaries (Commercial Zones): A minimum 2000-foot separation distance shall be required.
- (e) From Medical Cannabis or Adult Use Cannabis Dispensaries (Industrial Zones): A minimum 2000-foot separation distance shall be required.
- (f) From Medical or Adult Use Manufacturing Facilities, Testing Facilities, Cultivation Facilities, and Transportation and Distribution Facilities: No separation distance shall be required.
- (g) From Palm Canyon Drive: No separation distance shall be required.

- (h) From Residential Zones: No separation distance shall be required.
  - (i) From Protected Child-Related Uses (schools, public playgrounds, public parks, day care/child care centers, youth centers): A minimum 600-foot separation distance shall be required.
6. Medical or Adult Use Cannabis Manufacturing Facilities, Testing Facilities, Cultivation Facilities, and Transportation and Distribution Facilities.
- (a) From other Medical or Adult Use Manufacturing Facilities, Testing Facilities, Cultivation Facilities, and Transportation and Distribution Facilities: No separation distance shall be required.
  - (b) Cannabis Lounge Facilities: No separation distance shall be required.
  - (c) From Medical Cannabis Cooperatives or Collectives: No separation distance shall be required.
  - (d) From Medical Cannabis or Adult Use Cannabis Dispensaries (Commercial Zones): No separation distance shall be required.
  - (e) From Medical Cannabis or Adult Use Cannabis Dispensaries (Industrial Zones): No separation distance shall be required.
  - (f) From Medical Cannabis or Adult Use Cannabis Dispensaries (Downtown/Uptown): No separation distance shall be required.
  - (g) From Palm Canyon Drive: A minimum 250-foot separation distance shall be required.
  - (h) From Residential Zones: A minimum 250-foot separation distance shall be required.
  - (i) From Protected Child-Related Uses (schools, public playgrounds, public parks, day care/child care centers, youth centers): A minimum 600-foot separation distance shall be required.

D. Accessory Uses: A Medical Cannabis Facility or an Adult Use Cannabis Facility is not and shall not be approved as an accessory use to any other use permitted by this Zoning Code. Medical Cannabis Facilities and Adult Use Cannabis Facilities may be located on the same parcel or on the same premises as otherwise permitted by this Zoning Code.

E. Parking Requirements. Except within the E-I Zone, where M-2 standards shall apply, Medical Cannabis and Adult Use Cannabis Facilities shall be parked at a rate of one (1) space for every three hundred (300) gross square feet of retail dispensary space or office space, and one (1) space for every eight hundred (800) gross square feet of warehouse/cultivation space. Cannabis Lounge facilities shall be parked at a rate of one (1) space for every three (3) seats, or one (1) space for every thirty-five (35) square feet where the public is served. Cannabis Lounge facilities within the "D" Downtown Parking Combining Zone may be parked at a rate of one (1) space for every four (4) seats, or one (1) space for every fifty (50) square feet where the public is served. Administrative modifications for this standard may be granted by the City Council pursuant to Section 94.06.01.B.

**F. Additional Requirements for Specific Cannabis Uses.**

1. **Medical Cannabis and Adult Use Cannabis Cultivation Facilities.** Any Medical Cannabis or Adult Use Cannabis Cultivation Facility in excess of ten thousand (10,000) square feet shall operate only within the E-1 or M-2 Zones.
2. **Medical Cannabis Dispensaries and Adult Use Cannabis Dispensaries, Square Footage Restrictions – Downtown/Uptown.** Medical Cannabis Dispensaries and Adult Use Cannabis Dispensaries shall be limited to a maximum of one thousand five hundred (1,500) square feet in gross floor area on the street/ground level of any building in the defined Downtown/Uptown areas. Dispensaries (or portions thereof) located above the street/ground level shall be limited to a maximum of five thousand (5,000) square feet in gross floor area.
3. **Internal Testing Facility – Accessory to a Permitted Cannabis Facility.** An on-premises testing facility may be permitted accessory to a Medical or Adult Use Cannabis Cultivation Facility or a Medical or Adult Use Cannabis Manufacturing Facility for the purpose of internal testing of cannabis products grown or produced at the facility. The internal testing facility shall be subject to the following requirements:
  - a. The testing results cannot be published or shared with the public or any third party.
  - b. Testing shall be limited to cannabis products grown or produced at the facility.
  - c. The area dedicated to the internal testing facility shall be clearly shown and identified on any floor plans submitted to the City for the cannabis facility.
  - d. No additional entitlement is required for an accessory internal testing facility; however, environmental analysis of the internal testing facility shall be performed as part of the environmental analysis for the associated cultivation or manufacturing use.
  - e. Nothing in this Subsection (F)(3) shall be construed to limit the applicability of City regulations, including without limitation all provisions of Chapters 5.45 and 5.55 and any regulations promulgated by the City Manager pursuant thereto, to the colocation of the accessory internal testing facility.



4. **Cannabis Lounge Facilities.** Cannabis Lounge Facilities shall be subject to the following requirements:
  - a. **Concurrent Commercial Uses.** In the event that a Cannabis Lounge Facility operates concurrent in a single premises with another commercial use, the Cannabis Lounge Facility shall be a permitted use in accordance with Chapter 92. In the absence of a concurrent commercial use, operation of a Cannabis Lounge Facility shall require a conditional use permit.
  - b. **Separate Premises.** Cannabis Lounge Facilities shall be located on a separate parcel or within a tenant space that is segregated and apart from any other use. A Cannabis Lounge Facility shall have a dedicated entrance from the street or public sidewalk, and shall have no internal connections or passage to any other tenant space or use.
  - c. **Sale of Cannabis and Cannabis Products.** Medical or adult-use cannabis and medical or adult-use cannabis products may be sold on the premises of a Cannabis Lounge, subject to the following:
    - 1) The operator must hold an Adult-Use Dispensary permit; however, only the distance separation requirements for the Cannabis Lounge use shall be applicable to the facility.
    - 2) All medical or adult-use cannabis and medical or adult-use cannabis products sold on the premises must be smoked, inhaled, consumed or ingested on the premises. Cannabis and cannabis products shall not be sold or provided for off-site use.
    - 3) Operators shall not permit patrons to bring their own personal cannabis or cannabis products to the Cannabis Lounge Facility.
    - 4) All cannabis or cannabis products purchased and opened at the facility must be smoked, inhaled, consumed or ingested on site, and shall not be permitted to leave the facility.
    - 5) Operators shall only permit patrons to leave the Cannabis Lounge Facility with cannabis and cannabis

products that remain in originally sealed and unopened packaging.

- d. **Smoking of Cannabis.** The smoking of cannabis may be permitted at a Cannabis Lounge Facility, as may be allowable under state law.
- e. **Alcohol and Tobacco Products.** The sale or consumption of alcohol or tobacco products is not allowed on the premises.
- f. **Minors.** Access to the Cannabis Lounge Facility shall be restricted to persons twenty-one (21) years of age and older.
- g. **Visibility.** The smoking, inhalation, consumption or ingestion of cannabis or cannabis products shall not be visible from any public place or any area where minors may be present. The Cannabis Lounge shall be located within a completely enclosed building.
- h. **Odor Control.**
  - 1) The operator of each Cannabis Lounge Facility shall provide adequate air filtration so as to prevent any detectable odor at the exterior of the premises. Within twenty-four (24) hours of any complaint concerning odors emanating from or originating within the facility, the operator shall respond to the complaint in question, and shall timely file a written disclosure to the Building Official documenting any and all actions taken and planned to address the odor complaints. The Building Official, upon a determination of the continued existence of detectable odor from the facility, may require an operator to submit an implementation plan and/or a performance schedule, above and beyond this written disclosure filed within twenty-four (24) hours, to ensure the employment of measures to control the odor.
  - 2) The Building Official shall have the authority to require an operator of a Cannabis Lounge Facility to amend any implementation plan and/or performance schedule submitted pursuant to this Subparagraph F.4.h to cause compliance herewith.
  - 3) Any failure to timely submit a written disclosure, a more detailed implementation plan and/or

performance schedule or amendment thereto, to timely adhere to the terms of either, or to complete any required improvements within the timeframe specified by the Building Official shall be grounds for revocation of the permit for the cannabis lounge facility.

- 4) Odors from a Cannabis Lounge Facility are identified as a public nuisance pursuant to PSMC Chapter 11.72. The City may pursue all administrative, civil and criminal remedies identified in that chapter in relation to any nuisance determined to exist with respect to the operation of a cannabis lounge facility in violation of this Subparagraph F.4.h.

**SECTION 24.** This Interim Urgency Ordinance is adopted based upon the true and correct Recitals above, including without limitation the findings stated therein, *e.g.*, that adoption of this Interim Urgency Ordinance is consistent with, and implements the goals and policies of the General Plan, that this Interim Urgency Ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") for the reasons reflected in the recitals, that adoption of this Interim Urgency Ordinance is a matter of urgency and advances the public health, safety and welfare for the reasons reflected in the recitals, *etc.*

**SECTION 25.** The adoption of this Interim Urgency Ordinance is necessary for the immediate protection of the public peace, health, and safety by ensuring the timely and orderly adoption of zoning and development standards applicable to commercial medical and adult-use cannabis uses in the City, and implementation of City policy adopted in Chapters 5.45 and 5.55 of the Palm Springs Municipal Code, and with the legal preferences of the People of the State of California as they pertain to the public health, safety and welfare, and providing for an orderly and balanced transition to the effective date of the City's new "regular" ordinance, Ordinance No. 1943, providing cannabis zoning and development standards, which is equivalent in content to this Interim Urgency Ordinance, and is introduced on even date herewith. The City's failure to adopt this Interim Urgency Ordinance would adversely affect the public health and welfare of residents, and impair businesses in the City. In accordance with Section 312 of the Palm Springs City Charter, the City Council of the City of Palm Springs finds and determines that the adoption of this Interim Urgency Ordinance is necessary to ensure the immediate protection of the public peace, health, and safety.

**SECTION 26.** This Interim Urgency Ordinance shall be effective until January 31, 2018, or until it is superseded on the effective date of Ordinance No. 1943, whichever comes first.

**SECTION 27.** The City Council hereby declares, on the basis of the findings set forth in the Recitals and in Section 28 above, incorporated by this reference herein, that

an urgency ordinance is warranted and that this Interim Urgency Ordinance is necessary to preserve the public peace, health and safety. Accordingly, this Interim Urgency Ordinance is adopted as such, and shall take effect and be in force immediately upon its adoption. This Interim Urgency Ordinance shall expire on January 31, 2018, unless superseded sooner, on the effective date of Ordinance No. 1943, or extended by action of the City Council prior to such date.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 15<sup>th</sup> DAY OF NOVEMBER 2017.

  
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ROBERT MOON, MAYOR

ATTEST:

  
\_\_\_\_\_  
KATHLEEN D. HART, MMC  
INTERIM CITY CLERK

#### CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, hereby certify that Interim Urgency Ordinance No. 1944 is a full, true and correct copy, and was adopted at a regular meeting of the City Council held on the 15<sup>th</sup> day of November, 2017, by the following vote:

AYES: Councilmembers Kors, Roberts, Mayor Pro Tem Foat, and Mayor Moon  
NOES: Councilmember Mills  
ABSENT: None  
ABSTAIN: None  
RECUSED: None

  
\_\_\_\_\_  
KATHLEEN D. HART, MMC  
INTERIM CITY CLERK