



CITY COUNCIL STAFF REPORT

DATE: March 3, 2010

CONSENT CALENDAR

SUBJECT: CASE MC 09-006 AMND - A REQUEST BY DESERT ORGANIC SOLUTIONS TO AMEND A REGULATORY PERMIT FOR OPERATING A MEDICAL CANNABIS COOPERATIVE, TRANSFERRING THE PERMIT FROM 19437 NEWHALL ROAD TO 19486 NEWHALL ROAD, ZONE M-2, SECTION 15, TOWNSHIP 3, RANGE 4.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council will consider a request by Desert Organic Solutions, to amend a recently approved regulatory permit to operate a medical cannabis cooperative, transferring the permit from 19437 Newhall Road to 19486 Newhall Road. The applicant was unable to secure a lease for the address proposed in his application. He was able to secure a lease in a facility across the street at 19486 Newhall Road. This alternative location has already been evaluated by staff against the standards and requirements of PSZC Section 93.22.00 under application MC 09-011 (West Valley Patients Cooperative) and was found to be conforming.

RECOMMENDATION:

To approve the request to amend Case MC 09-006, a regulatory permit to operate a medical cannabis cooperative at 19486 Newhall Road subject to the original conditions of approval.

BACKGROUND:

On February 3, 2010, the City Council awarded two regulatory permits for the operation of medical cannabis cooperatives. One was awarded to Desert Organic Solutions at 19437 Newhall Road (Case MC 09-006).

On February 9, 2010, Mr. Gary Cherlin, of Desert Organic Solutions contacted staff informing the city that he was unable to secure a lease at 19437 Newhall Road for operating a medical cannabis cooperative (MCC) and submitted a request for approval for an alternative location across the street at 19486 Newhall Road. (Letter attached).

Item No. **2.G.**

STAFF ANALYSIS:

Desert Organic Solutions Collective (DOSCC) has proposed an alternative location to operate its MCC. The alternative address, 19486 Newhall Road is directly across the street from the address proposed in its initial application. The alternative address was part of an MCC application made by West Valley Patients Cooperative and was evaluated by staff under the initial review of Case MC 09-011.

At that time of its application, WVPC proposed to occupy Suite 102, comprised of approximately 1,412 square feet. DOSCC proposes to occupy Suite 102 and 103, which totals approximately 2,838 square feet. Approximately 1,024 square feet are retail/office space and the remaining 1,814 square feet are proposed cultivation/warehouse space. The proposed configuration requires seven (7) off-street parking spaces (in conformance with the revised parking standards for medical cannabis uses) and the remaining other business spaces which are warehouse uses require seven (7) spaces for a total off-street parking requirement for the site of fourteen (14). The site has 14 parking spaces and is thus conforming.

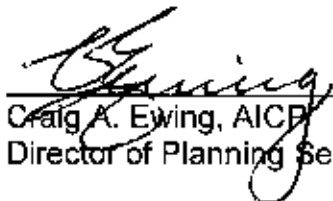
All other aspects of the proposed amended location conform to the development standards of the Zoning Code Section 93.22.00.

ENVIRONMENTAL ASSESSMENT

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the permitting or entitlement of use by a public agency is deemed a project. This application is therefore determined to be a project under CEQA. The City has evaluated the project and determined that it is Categorical Exempt in accordance with CEQA Section 15303 "New Construction or Conversion of Small Structures".

FISCAL IMPACT:

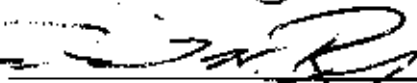
No fiscal impact.



Craig A. Ewing, AICP
Director of Planning Services



Thomas J. Wilson,
Assistant City Manager



David H. Ready, City Manager

Attachments:

- Vicinity Map
- Draft Resolution
- Exhibit A: Conditions of Approval
- Small Scale Plans
- Duncan to Lyon letter date stamped February 9, 2010 w/attachments

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE MC 09-006, AN APPLICATION BY DESERT ORGANIC SOLUTIONS FOR A PERMIT TO OPERATE A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE AT 19486 NEWHALL ROAD; ZONE M-2 SECTION 15 TOWNSHIP 3, RANGE 4.

WHEREAS, On April 4, 2009, a Zone Text Amendment establishing PSZO Section 93.22.00 "Medical Cannabis Collectives/Cooperatives" went into effect; providing regulations and procedures for the application, administration and permitting of Medical Cannabis Cooperative/Collective uses in certain zones in the City of Palm Springs; and

WHEREAS, between April 4, 2009 and July 6, 2009, the City received and evaluated eleven applications for the award of two permits to operate Medical Cooperative/Collectives, and

WHEREAS, Desert Organic Solutions (the "Applicant") has filed an application pursuant to Section 93.22.00 "*Medical Cannabis Collectives/Cooperatives*" of the Palm Springs Zoning Ordinance for a permit to operate a Medical Cannabis Cooperative/Collective at 19437 Newhall Road and was one of the applications received during the submittal period noted above; and

WHEREAS, notices of public hearing of the City Council of the City of Palm Springs to consider the Medical Cannabis applications including Case MC 09-006, were given in accordance with applicable law; and

WHEREAS, on December 2, 2009, December 16, 2009 and February 3, 2010, public hearings on the applications for Medical Cannabis including Case MC 09-006 were held by the City Council in accordance with applicable law; and

WHEREAS, on February 3, 2010, the City Council awarded one of two regulatory permits to operate a medical cannabis cooperative to Desert Organic Solutions at 19437 Newhall Road, and

WHEREAS, on February 9, 2010, the applicant submitted a letter to the City requesting an amendment to the approval to permit operation of a medical cannabis cooperative, transferring the permit from 19437 Newhall Road to 19486 Newhall Road because the applicant was unable to secure a lease at the former address, and

WHEREAS, the proposed alternative address has been evaluated by City staff and found to be in conformance with the regulatory standards and requirements outlined in Zoning Code Section 93.22.00, and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the meeting on the project, including but not limited to the staff report, and all written and oral testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act ("CEQA") guidelines, the application has been determined to be a Project under the definition of CEQA. The case has been evaluated and staff has made a determination that the application is "Categorically Exempt" from further analysis under CEQA in accordance with CEQA Section 15303 (*New Construction or Conversion of Small Structures*).

Section 2: Pursuant to Section 93.22.00 of the Palm Springs Zoning Ordinance, the City Council has evaluated the amendment request for the operation of Desert Organic Solutions Medical Cannabis Cooperative at 19486 Newhall Road and found that the proposed alternative address conforms to all the regulatory and development standards set forth in Section 93.22.00 of the Zoning Code.

Section 3: The obligations of the Medical Cannabis Cooperative or Collective, including all on-going and continuing obligations required pursuant to any provision of Section 93.22.00 of the Zoning Code as well as any conditional approval shall be set forth in a covenant running with the land or the leasehold interest, approved as to form by the City Attorney and enforceable by the City. Such covenant shall also provide that the cooperative or collective shall annually provide to the City Manager an updated application containing the information contained in Subsection G of Section 93.22.00 of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council approves Case MC 09-006 AMND Desert Organic Solutions, an amendment of a regulatory permit to transfer the permit for a medical cannabis cooperative operation from 19437 Newhall Road to 19486 Newhall Road, subject to the conditions contained in Exhibit A, which is attached hereto and made a part of this resolution.

ADOPTED, this 3rd day of March, 2010.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION:

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on March 3, 2010, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

RESOLUTION NO. 22667

EXHIBIT A

Case MC 09-006 AMND "Desert Organic Solutions"
19486 Newhall Road

March 3, 2010

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case (MC 09-006); except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (February 9, 2010), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The applicant shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply, including but not limited to all provisions of Section 93.22.00 of the Palm Springs Zoning Ordinance.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case MC 09-006. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Covenant. The obligations of the Medical Cannabis Cooperative or Collective, including all on-going and continuing obligations required pursuant to any provision of Section 93.22.00 of the Palm Springs Zoning Ordinance or as may be provided in any conditional approval of the City Manager or the City Council, shall be set forth in a covenant running with the land or the leasehold interest, approved as to form by the City Attorney, and enforceable by the City. Such covenant shall also provide that the cooperative or collective shall annually provide to the City Manager an updated application containing the information contained in Subsection G. To the fullest extent permitted by law, the City shall not assume any liability whatsoever, and expressly does not waive sovereign immunity, with respect to medical cannabis, or for the activities of any Medical Cannabis Cooperative or Collective. Upon receiving possession of a regulatory permit as provided in this Section, the collective or cooperative shall
- a. Execute an agreement indemnifying the City;
 - b. Carry insurance in the amounts and of the types that are acceptable to the City Manager;
 - c. Name the City as an additionally insured.
 - d. Agree to defend at its sole expense, any action against the City, its agents, officers, and employees because of the issues of such approval.
 - e. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

- ADM 7. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto

private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Cause No Disturbance. The owner shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site. The owner and operator shall ensure that at closing time, all customers leave the property promptly and that the property is clean and secure before the owner/operator leaves the premises. The Police Chief, based upon complaints and/or other cause, may require on-site security officers to ensure compliance with all City, State, and Federal laws and conditions of approval. Failure to comply with these conditions may result in revocation of this permit, temporary business closure or criminal prosecution
- ADM 10. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Policy or the Director of Building and Safety, may result in proceedings to revoke the Permit. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.
- ADM 11. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 12. Comply with all laws. The cooperative or collective shall comply fully with all of the applicable restrictions and mandates set forth in state law, including without limitation the Attorney General Guidelines.
- ADM 13. Hours of Operation Limited. The cooperative shall only be open between the hours of 9:00 a.m. and 7:00 p.m., Monday through Saturday.
- ADM 14. Physician's referrals shall be verified by the cooperative prior to inclusion into the cooperative and at least every six months thereafter.

- ADM 15. Qualified Patients/Caregivers Only. Each member of the cooperative or collective shall be a patient or a qualified primary caregiver. The cooperative shall maintain patient records in a secure location within the City of Palm Springs, available to the City Manager to review upon demand. Such records shall include without limitation a copy of the physician's referral and, if using a primary caregiver, a notarized written authorization from the patient to be represented by such primary caregiver.
- ADM 16. Security. Cannabis shall be kept in a secured manner during business and non-business hours.
- ADM 17. Conditions for Food Consumption. If consumable Medical Cannabis products (including, but not limited to, lollipops, brownies, cookies, ice cream, etc.) are present on site or offered for distribution, then the applicant shall secure a County of Riverside Department of Health Services approval for handling food products as required by the County of Riverside.
- ADM 18. No Commercial Sale. No cooperative or collective shall conduct or engage in the commercial sale of any product, good, or service. All transactions between the cooperative or collective and its members or the members' primary caregivers shall be made by check or credit card; no cash transactions shall be allowed.
- ADM 19. Sales Tax. Any Medical Cannabis Cooperative or Collective must pay any applicable sales tax pursuant to federal, state, and local law.
- ADM 20. Prohibited Activities. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of the cooperative or collective. The term "premises" as used in this Subsection includes the actual building, as well as any accessory structures and parking areas. The building entrance to a cooperative or collective shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming marijuana on the premises or in the vicinity of the cooperative or collective is prohibited.
- ADM 21. Signage for the cooperative shall be limited to name of business only, and no advertising of the goods and/or services shall be permitted.
- ADM 22. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A cooperative or collective shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the cooperative or collective.
- ADM 23. Windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours and in conformance with the

Security Plan Provisions of Section 93.22.00 of the Palm Springs Zoning Code.

- ADM 24. Minors. No one under 18 years of age shall be a member of a cooperative or a collective without written authorization of a parent or legal guardian.
- ADM 25. Physician services shall not be provided on the premises. "Physician services" does not include social services, including counseling, help with housing and meals, hospice and other care referrals which may be provided on site.
- ADM 26. The building in which the cooperative or collective is located as well as the operations as conducted therein shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the Compassionate Use Act.
- ADM 27. No Distribution to non-members. The cooperative or collective shall not distribute, sell, dispense, or administer cannabis to anyone other than qualified patient members of the cooperative or collective and their primary caregivers.
- ADM 28. Restricted Source of Medical Cannabis. A Medical Marijuana Cooperative or Collective shall distribute only cannabis cultivated on the premises or by a member of the cooperative or collective or the member's primary caregiver. The cooperative or collective shall do an inventory on the first business day of each month and shall record the total quantity of each form of cannabis on the premises. These records shall be maintained for two (2) years from the date created.
- ADM 29. Provision of Records and Contacts. Provide the City Manager with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom one can provide notice if there are operating problems associated with the Cooperative. The Cooperative shall make every good faith effort to encourage residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the police or planning departments.
- ADM 30. Fully comply with and meet all operating criteria required pursuant to the Compassionate Use Act, state law, the Attorney General Guidelines, the provisions of this Section, and any specific, additional operating procedures and measures as may be imposed as conditions of approval of the regulatory permit, and all requirements set forth in the covenant as described in Subsection J of PSZO Section 93.22.00, in order to ensure that the operation of the cooperative or collective is consistent with the protection of the health, safety, and welfare of the community, qualified patients, and primary caregivers, and will not adversely affect surrounding uses.

ADM 31. Security Recordings. Recordings made by the security cameras shall be made available to the City Manager upon verbal request; no search warrant or subpoena shall be needed to view the recorded materials.

ADM 32. City Access. The City Manager shall have the right to enter the Medical Cannabis Cooperative or Collective from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and State of California.

ADM 33. Operation of the cooperative or collective in non-compliance with any conditions of approval or standards of this Section shall constitute a violation of the Municipal Code and shall be enforced pursuant to the provisions of this Code.

ADM 34. Revocation of Regulatory Permit. The City Manager may revoke a medical marijuana regulatory permit if any of the following, singularly or in combination, occur:

- a. The City Manager determines that the cooperative or collective has failed to comply with this Section, any condition or approval, or any agreement or covenant as required pursuant to this Section; or
- b. Operations cease for more than 90 calendar days, including during change of ownership proceedings; or
 1. Ownership is changed without securing a regulatory permit; or
 2. The cooperative or collective fails to maintain 240 hours of security recordings; or
 3. The cooperative or collective fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.

ADM 35.

Revisions to Organization's by-laws. The Police Department and the City Attorney's Office are concerned that cannabis cooperatives are or can be operated illegally or as fronts for other criminal activity. The regulatory approach that the City has taken in the development and administration of the current zoning program helps address some of those concerns. Providing for heightened involvement in the operation of the collective or cooperative will also help ensure that each collective or cooperative is operating for the sole purpose of providing safe product at a reasonable cost to the member patients and their caregivers. Thus, the inclusion of the following amendments to the bylaws of the approved applications is required. A full revised draft copy of the organizations by-laws shall be submitted to the City

Attorney in a Microsoft Word Document (.doc) format incorporating the following aspects into the by-laws to the satisfaction of the City Attorney:

1. Members shall elect all Directors.
2. Compensation of Directors shall be approved by the membership.
3. Compensation of Officers shall be approved by the Directors.
4. The annual budget of the corporation and any amendment to the budget that results in increases in expenditures above any amount budgeted shall be approved by the membership.
5. No minimum attendance for membership meetings shall be required; any action requiring membership approval or action shall be approved by a majority or super-majority of the votes cast, as provided in the bylaws, so long as at least 50% of the membership participate in the vote. All members shall be provided the opportunity to participate in any vote, either by attendance at a meeting, by mail, or any other reasonable, objective, and fair method designed to encourage independent membership participation.
6. All membership meetings and all Board of Director meetings shall be held in Palm Springs
7. Any amendment of the bylaws shall be approved by the membership.
8. All records of the corporation shall be available for inspection by the membership

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. This project is exempt from CVMSHCP LDMF fees.
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.
- PLN 3. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned
- PLN 4. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 5. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 6. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 7. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 8. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.

POLICE DEPARTMENT CONDITIONS

- POL 1. Applicant shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

BUILDING DEPARTMENT CONDITIONS

- BLD 1. Prior to any construction on-site, all appropriate permits must be secured.
- BLD 2. All facilities and operations shall conform at all times to applicable California and Palm Springs Building Codes including Accessibility Codes.

ENGINEERING DEPARTMENT CONDITIONS

(none)

FIRE DEPARTMENT CONDITIONS

- FIR 1. All facilities and operations shall conform at all times to applicable California and Palm Springs Fire Codes.

END OF CONDITIONS

Bing Maps

North Palm Springs, CA

19486 Newhall Street and Surrounding Buildings

FREE! Use Live Search 411 to find movies, businesses & more: 800-CALL-411.




Bing Maps

 **Newhall St, North Palm Springs, CA 92258**

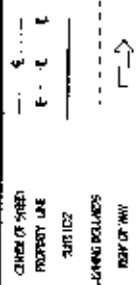
19486 Newhall Street

FREE! Use **Live Search 411** to find movies, businesses & more: **800-CALL-411**.

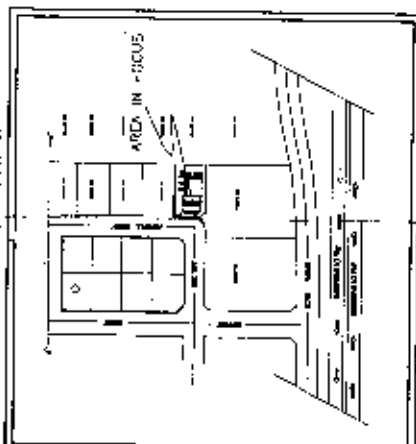


 Bird's eye view maps can't be printed, so another map view has been substituted.

KEY NOTE:



VICINITY MAP



GENERAL SITE DATA

PROPERTY OWNER
 WEST VALLEY PARTNERS COLLECTIVE LP
 19-486 NEWHALL STREET, SUITE 102
 NORTH PALM SPRINGS, CA 92258
 PHONE: 760/529-0418

LAND TABULATION
 AREA: 1.00 AC
 ZONE: M-2
 DATE BUILT: 1985
 BUILDING CODE SUMMARY: 1995 IBC, 1995 IRC, 1995 IBC, 1995 IRC, 1995 IBC, 1995 IRC

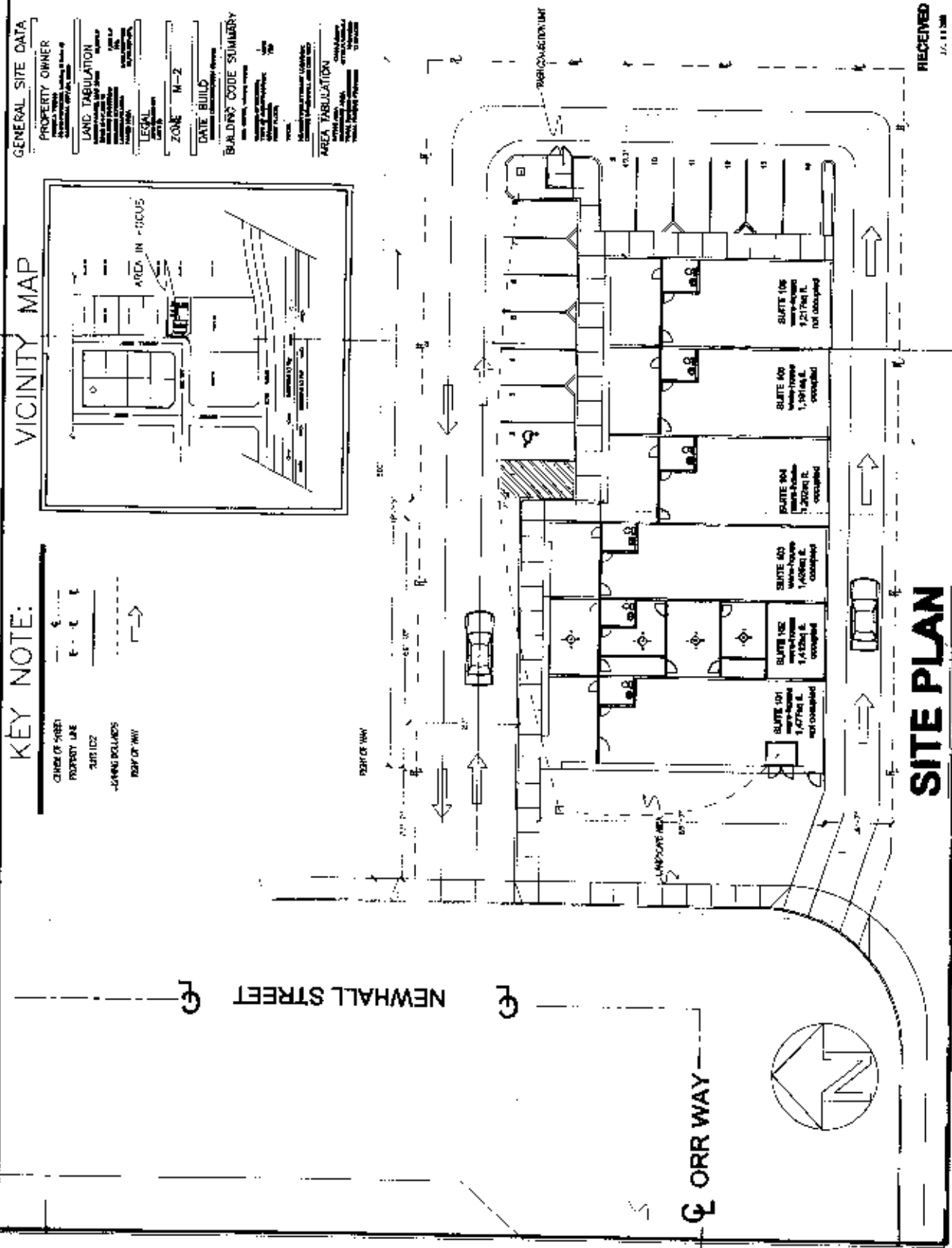
AREA TABULATION
 SUITE 101: 1,777 SQ. FT. (not occupied)
 SUITE 102: 1,422 SQ. FT. (occupied)
 SUITE 103: 1,400 SQ. FT. (occupied)
 SUITE 104: 1,200 SQ. FT. (occupied)
 SUITE 105: 1,500 SQ. FT. (occupied)
 SUITE 106: 2,270 SQ. FT. (not occupied)

PROJECT LOCATION: 19-486 NEWHALL STREET, SUITE 102, NORTH PALM SPRINGS, CA 92258, PHONE: 760/529-0418

DATE: 05/02/09
 PROPERTY OWNER: WEST VALLEY PARTNERS COLLECTIVE LP

SHEET: SITE PLAN

SCALE: 1/8" = 1'-0"



SITE PLAN

RECEIVED
 05/11/09

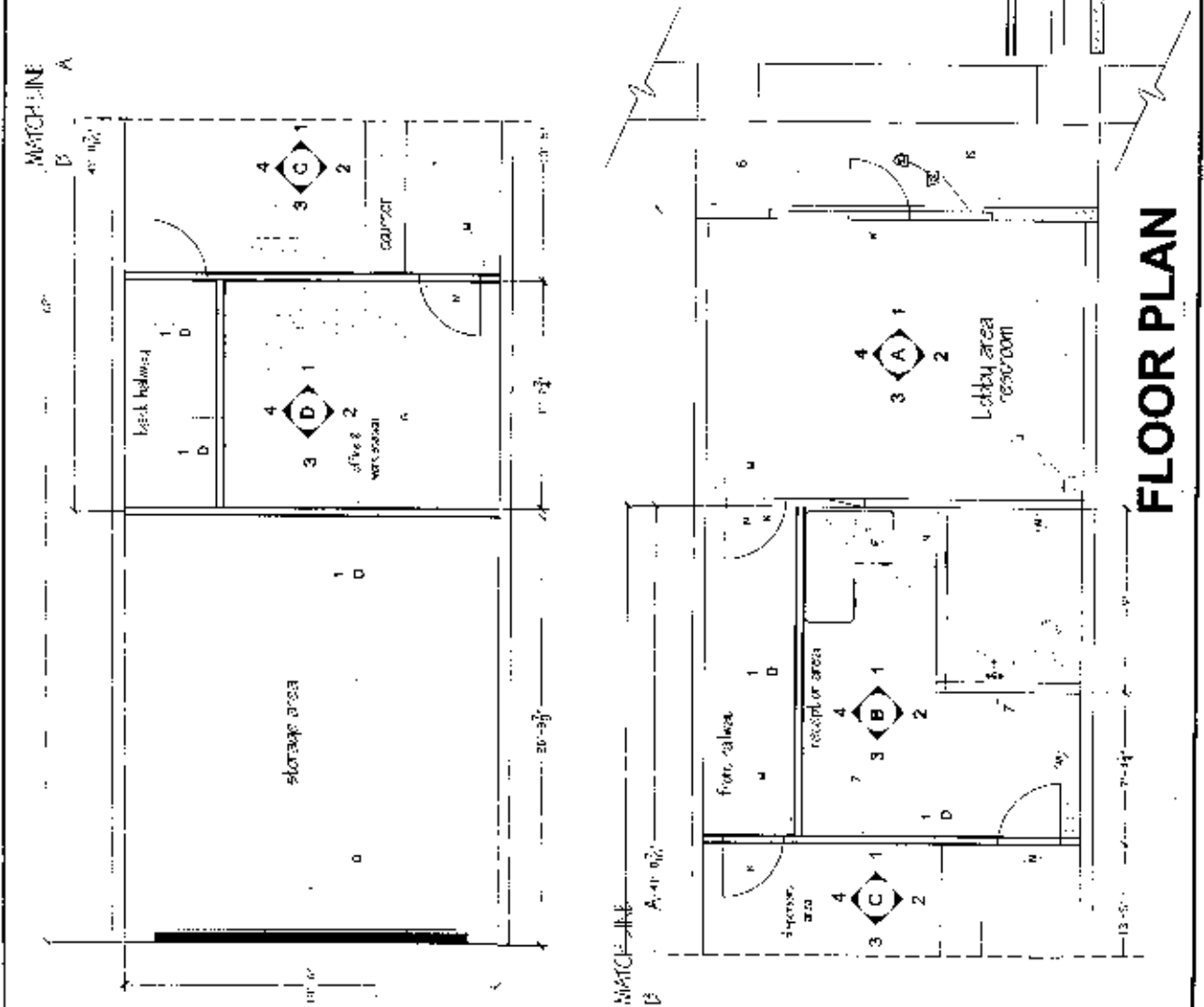
19-486 Newmal Street, Suite 102
 North Palm Springs, CA 92258
 Phone: 760/329-0415

MADE IN U.S.A. FOR THE ARCHITECT'S USE IN CONSTRUCTION OF THIS PROJECT

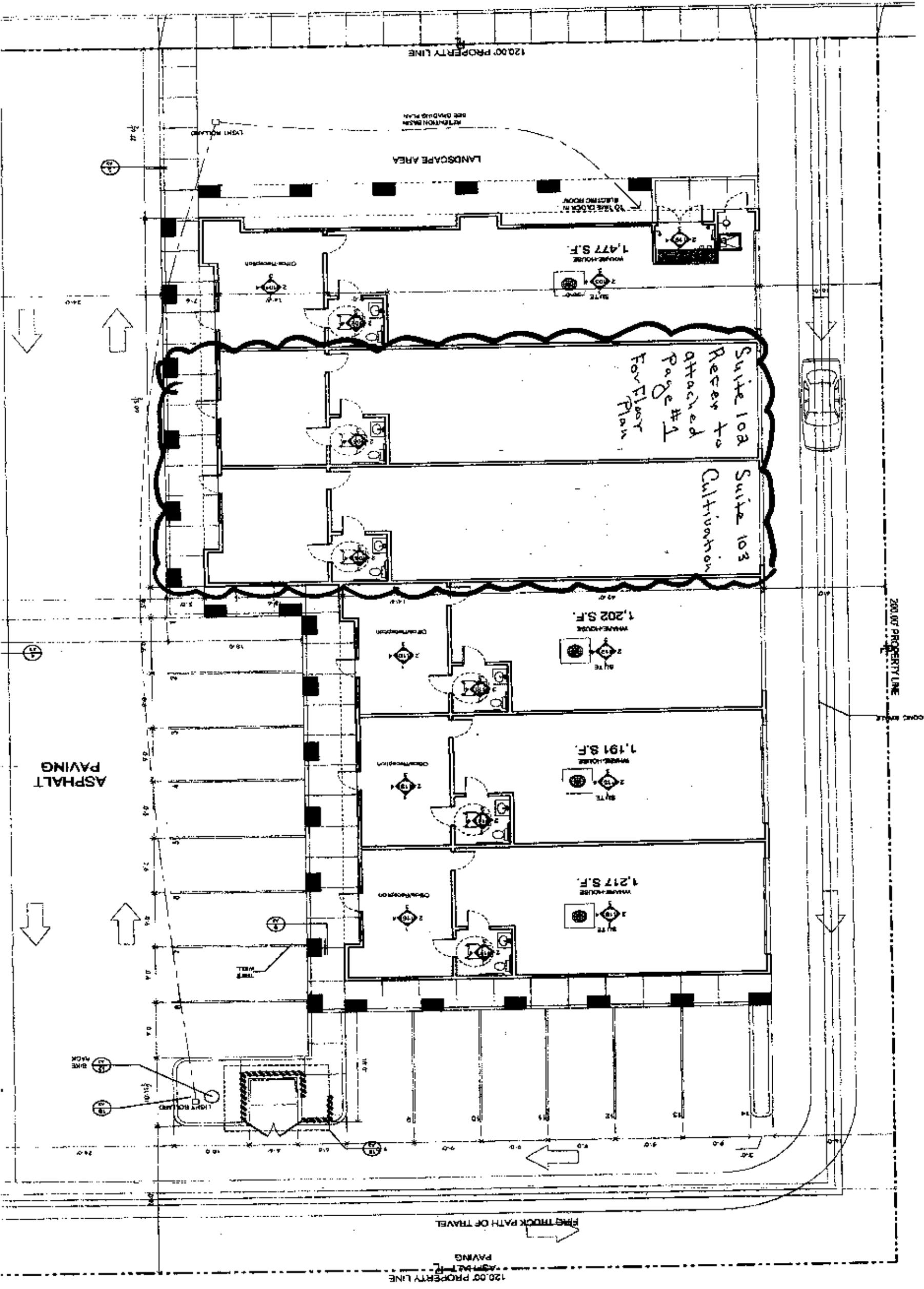
- NOTES:**
1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS INDICATED OTHERWISE.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
 3. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED.
 4. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.
 5. ALL MATERIALS SHALL BE MATCHED TO THE EXISTING WORK.
 6. ALL MATERIALS SHALL BE OF THE SAME MANUFACTURE AND TYPE AS THE EXISTING WORK.
 7. ALL MATERIALS SHALL BE OF THE SAME COLOR AND FINISH AS THE EXISTING WORK.
 8. ALL MATERIALS SHALL BE OF THE SAME GRADE AND TYPE AS THE EXISTING WORK.
 9. ALL MATERIALS SHALL BE OF THE SAME WEIGHT AND TYPE AS THE EXISTING WORK.
 10. ALL MATERIALS SHALL BE OF THE SAME STRENGTH AND TYPE AS THE EXISTING WORK.
 11. ALL MATERIALS SHALL BE OF THE SAME DURABILITY AND TYPE AS THE EXISTING WORK.
 12. ALL MATERIALS SHALL BE OF THE SAME SAFETY AND TYPE AS THE EXISTING WORK.
 13. ALL MATERIALS SHALL BE OF THE SAME EASY MAINTENANCE AND TYPE AS THE EXISTING WORK.
 14. ALL MATERIALS SHALL BE OF THE SAME EASY TO CLEAN AND TYPE AS THE EXISTING WORK.
 15. ALL MATERIALS SHALL BE OF THE SAME EASY TO REPAIR AND TYPE AS THE EXISTING WORK.
 16. ALL MATERIALS SHALL BE OF THE SAME EASY TO INSTALL AND TYPE AS THE EXISTING WORK.
 17. ALL MATERIALS SHALL BE OF THE SAME EASY TO REMOVE AND TYPE AS THE EXISTING WORK.
 18. ALL MATERIALS SHALL BE OF THE SAME EASY TO DEMOLISH AND TYPE AS THE EXISTING WORK.
 19. ALL MATERIALS SHALL BE OF THE SAME EASY TO DISCARD AND TYPE AS THE EXISTING WORK.
 20. ALL MATERIALS SHALL BE OF THE SAME EASY TO RECYCLE AND TYPE AS THE EXISTING WORK.

- KEY NOTES:**
1. SMOOTH CONCRETE SLAB
 2. ROOF ACCESS LADDER & RIGID HATCH
 3. 4" x 4" ELECTRICAL PANEL
 4. 2" x 4" EXTERIOR STUD WALL W/ 1/2" IS INSULATION (TYP)
 5. 2" x 4" INTERIOR METAL STUD PARTITION WALL
 6. SLURRY FINISH ALL UNLESS OTHERWISE NOTED. FINISH TO MATCH EXISTING. SEE ENERGY CALCULATIONS FOR L-VALUES.
 7. LOUSE PANEL (COORDINATE WITH ELECTRICAL DRAWINGS)
 8. STORAGE. REF. TO DETAIL SHEET
 9. 2" x 4" FLUORESCENT LIGHT FIXTURE
 10. 2" x 4" FLOOR (REF. TO LIGHT FIXTURES)
 11. CULDEVATION AREA
 12. 1/2" PAINT SHEET
 13. DISCOVER INFORMATION LOCATION
 14. ACOUSTIC TILE
 15. STORAGE (IN COOPERATIVE OR COLLECTIVE)
 16. 2" x 4" ACOUSTIC TILE SUSPENDED SYSTEM
 17. SMOKE DETECTOR
 18. MOTION DETECTOR
 19. ILLUMINATED EXIT SIGN REF. TO DETAIL SHEET
 20. ROOFING INSULATED FLOURESCENT LIGHT FIXTURE
 21. SECURITY CAMERA
 22. ROOM W/ LOCKING MECHANISM CONTROLLED BY STAFF
 23. HOLLOW DOORS
 24. SECURITY MONITOR TV

Wall legend



FLOOR PLAN

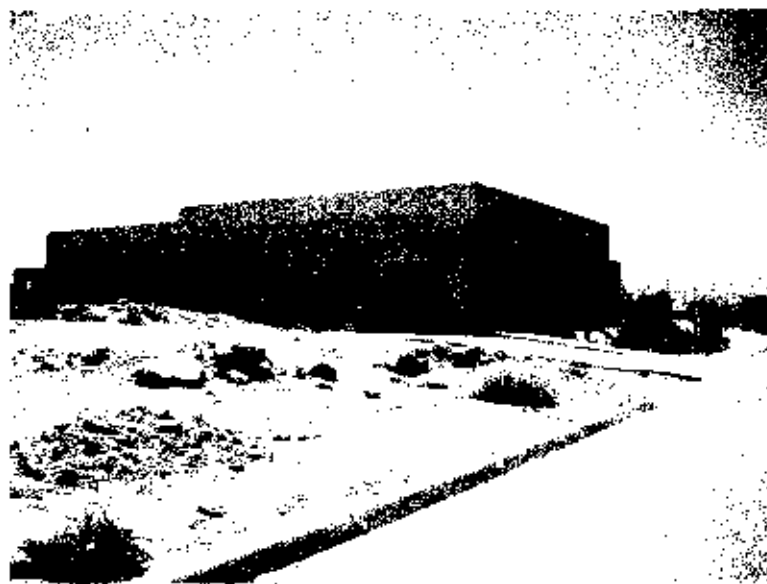
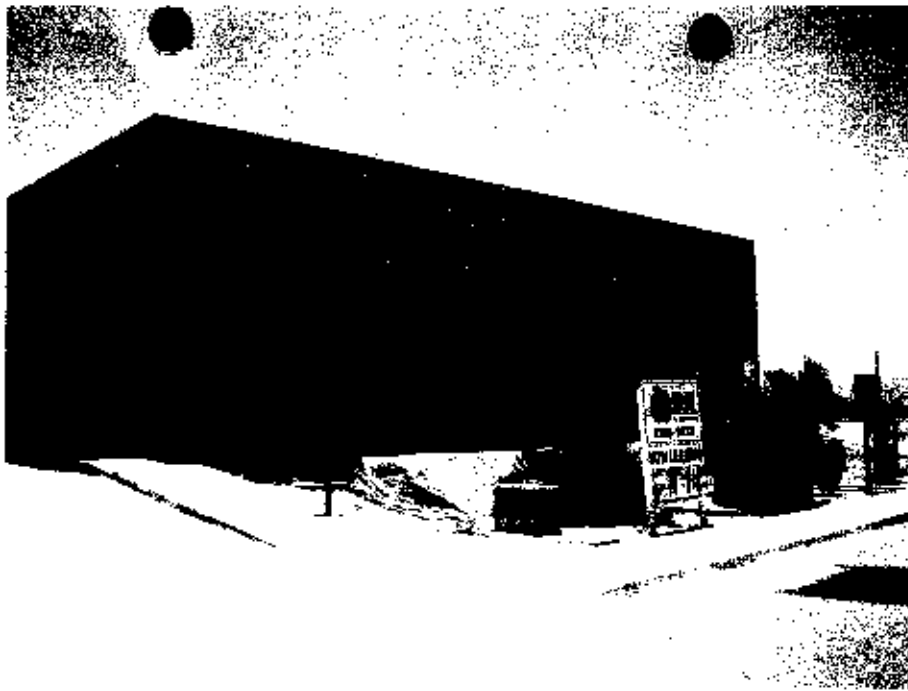


DESERT ORGANIC SOLUTIONS
 19986 NEW HALL STREET

RECEIVED

FEB 09 2010

PLANNING SERVICES
 DEPARTMENT



RECEIVED

FEB 09 2010

**PLANNING SERVICES
DEPARTMENT**

Dear Mr. Lyon,

I am writing on behalf of Gary Cherlin to request an amendment to the medical cannabis permit application for Desert Organic Solutions Collective (DOSC). On Wednesday, February 4, the Palm Springs City Council approved an application for DOSC at 19-437 Newhall Street. When Mr. Cherlin contacted the property owner the next day, he told said that had reconsidered his decision to rent to a medical cannabis collective. Mr. Cherlin has secured a new location for DOSC, and met with Ken Lyon to discuss the situation on Monday, February 8. He would now like to amend the application to include an address across the street at 19-486 Newhall Street, Suites 102 and 103.

The new address has already been reviewed for compliance by city staff in consideration of a medical cannabis permit application filed by West Valley Collective. That collective, which was operating unlawfully, is now closed. Having already been vetted, the facility meets all of the location and parking criteria in Palm Springs Municipal Code Section 93.22.00. It is isolated from any sensitive uses or other medical cannabis collectives, and located in non-retail property. Furthermore, the facility has adequate parking for DOSC and other tenants. There are seven parking spaces dedicated to DOSC, and the remaining seven parking spaces accommodate the needs of the remaining manufacturing/warehouse uses.

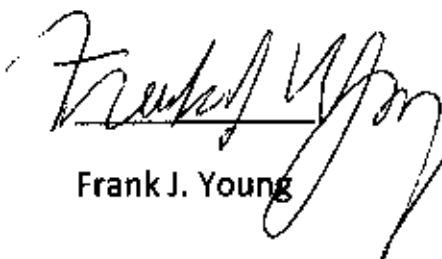
I realize that it is important to City Councilmembers and residents that there is safe and affordable access to medicine for legal patients in Palm Springs as soon as possible. It is my goal to help Mr. Cherlin to open DOSC at 19-486 Newhall Street, Suites 102 and 103, as quickly as possible under the law. Can you please let me know what I can do to help expedite this amendment and approval? I would like to have the amended application ready for a hearing before the City Council in March, if possible.

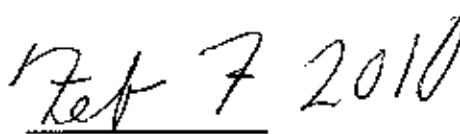
You can reach me to discuss this amendment (323) 326-6347. Thank you for helping me to resolve this matter as quickly as possible.

Sincerely,

Don Duncan
On behalf of Gary Cherlin

I, Frank Young , being the owner and Lessor of the commercial property located at 19486 Newhall Street, North Palm Springs CA 92258, agree to lease up to 5000 sq. ft. of the aforementioned property to Desert Organic Solutions Inc. to be used as a Medical Cannabis Cooperative or Collective, and I acknowledge that the property will be used for such purpose.


Frank J. Young


DATE

Ralph Hanson
1700 Harbor Way
Seal Beach, CA 90740

February 4, 2010

Gary Cherlin
10403 Sunningdale Drive
Rancho Mirage
California 92270

Re: 19-437 New Hall Street

Dear Gary,


I appreciate your telephone call informing me that you were awarded the permit to run a medical cannabis dispensary and were ready to move in. However, I have come to the conclusion that it would be best for you to find an alternative location for your business.

It has absolutely nothing to do with you. You have been a standup gentleman, completely honest and truthful in all of our business dealings and cooperated with all of my requests. The truth is that I have had second thoughts about the type of business that you will be operating on the premise.

I truly respect your willingness to help patients in need but I would prefer it not be in the property I own. I have full confidence that you will be extremely successful and operate an A plus establishment. I am just hopeful you understand my position.

I am truly sorry if this will cause you any inconvenience.

Please call me to discuss. Thank you.


Ralph Hanson