



CITY COUNCIL STAFF REPORT

DATE: June 16, 2010

Consent Calendar

SUBJECT: SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1776, AMENDMENT TO THE PALM SPRINGS ZONING CODE RELATING TO MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES (CASE 5.1218-A)

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY

The City Council will consider the adoption of Ordinance No. 1756, amending the Palm Springs Zoning Code relating to medical cannabis cooperatives and collectives.

RECOMMENDATION:

Waive further reading and adopt Ordinance No. 1776, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTIONS 93.22.00 (F, G, K, L, and M) OF THE PALM SPRINGS ZONING CODE, RELATING TO MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES."

STAFF ANALYSIS:

At its June 2, 2010, meeting proposed Ordinance No. 1776 was introduced by the following vote:

AYES: Councilmember Foat, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

NOES: Councilmember Mills and Councilmember Weigel.

ITEM NO. 2.f.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.



JAMES THOMPSON, City Clerk



DAVID H. READY, City Manager

Attachment:
Proposed Ordinance No. 1776

ORDINANCE NO. 1776

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTIONS 93.22.00.F, 93.22.00.G, AND 93.22.00.M OF, AND AMENDING PARAGRAPHS K6 AND L4 OF SECTION 93.22.00 OF THE PALM SPRINGS MUNICIPAL CODE, INCREASING THE NUMBER OF ALLOWED MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES IN THE CITY FROM TWO (2) TO THREE (3).

City Attorney Summary

The existing provisions of the Palm Springs Municipal Code limit the number of approved medical cannabis cooperatives and collectives to two (2) such uses. This Ordinance will increase that number to three (3) medical cannabis cooperatives or collectives that can operate in the City. This Ordinance also affects the clean-up of minor provisions of the existing Code relating to security filming requirements, food distribution, and enforcement. The Ordinance also allows the Council to limit review of applications to qualified applications reviewed in a previous Allotment Process under defined circumstances.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDAINS:

SECTION 1. Subsection 93.22.00F of the Palm Springs Municipal Code is amended to read:

F. No more than three (3) Medical Cannabis Cooperatives and/or Collectives shall be maintained or operated in the City at any time. The City Council shall review and evaluate all qualified applications and will approve issuance of regulatory permits to the most qualified as determined through the Allotment Process described below. Where the City Council has reviewed qualified applications within two (2) years of any review and allotment proposal allowed under the provisions of this Section, the City Council may limit its review to one or more of the qualified applications reviewed and considered during such previous Allotment Process.

SECTION 2. Subsection 93.22.00.G of the Palm Springs Municipal Code is amended to read:

G. Prior to initiating operations and as a continuing requisite to conducting operations, the legal representative of the persons wishing to operate a Medical Cannabis Cooperative or Collective shall obtain a regulatory permit from the City Manager under the terms and conditions set forth in this Section. The legal representative shall file an application with the City Manager upon a form provided by the City and shall pay a filing fee as established by resolution adopted by the City Council as amended from time to time. An application for a regulatory permit for a

Medical Cannabis Cooperative or Collective shall include, but shall not be limited to, the following information:

1. An estimate of the size of the group of primary caregivers and/or qualified patients who will be served by the non-profit cooperative; this description should include whether delivery service will be provide and the extent of such service.
2. The address of the location from which the cooperative for which application is made will be operated;
3. A site plan and floor plan of the premises denoting all the use of areas on the premises, including storage, cultivation areas, exterior lighting, restrooms, signage, and parking; other tenant spaces if the cooperative or collective is proposed for a multi-tenant building site.
4. A security plan including the following measures:
 - a. Security cameras shall be installed and maintained in good working condition, and used in an on-going manner with at least 120 continuous hours of digitally recorded documentation in a format approved by the City Manager. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and windows, and any other areas as determined by the City Manager.
 - b. The lease/business space shall be alarmed with a reliable, commercial alarm system that is operated and monitored by a security company or alarm business that is operating in full compliance with Chapter 5.02 of this Code.
 - c. Entrance to the dispensing area and any storage areas shall be locked at all times, and under the control of cooperative staff.
 - d. The business entrance(s) and all window areas shall be illuminated during evening hours. The applicant shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etc., and secure the necessary approvals and permits as needed.
 - e. All windows on the building that houses the cooperative or collective shall be appropriately secured and all marijuana securely stored.

SECTION 3. Paragraph 6 of Subsection 93.22.00.K is amended to read:

6. Each cooperative or collective that prepares, dispenses, or in any manner distributes food must comply with the provisions of all relevant State and local laws regarding the preparation, distribution, and sale of food.

SECTION 4. Paragraph 4 of Subsection 93.22.00.L of the Palm Springs Municipal Code is amended to read:

4. The City Manager may revoke a medical cannabis 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 any provision of this Code, 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
 - c. Ownership is changed without securing a regulatory permit; or
 - d. The cooperative or collective fails to maintain 120 continuous hours of security recordings; or
 - e. The cooperative or collective fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.

SECTION 5. Subsection 93.22.00.M is hereby amended to read:

M. In the event a qualified cooperative or collective that receives an allotment under Subsection I of this Section ceases to operate for any reason, the City Manager may or shall reopen the allotment process and provide an opportunity for new applications to be submitted. The time periods and process provided in Subsection I shall be applied to the review and consideration of applications and the allotment of a regulatory permit. The provisions of this Subsection shall not apply in those situations where the City Council has reviewed qualified applications within two (2) years of a previous Allotment Process and the City Council decides to limit its review to one or more qualified applications reviewed and considered during such previous Allotment Process.

SECTION 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2010.

ATTEST:

Stephen P. Pougnet
Mayor

James Thompson, City Clerk