



Planning Commission Staff Report

DATE: February 12, 2014

PUBLIC HEARING

SUBJECT: AN APPLICATION BY CITY OF PALM SPRINGS TO CONSIDER AN AMENDMENT TO THE PALM SPRINGS ZONING CODE, SECTION 93.23.15, REGARDING MEDICAL CANNABIS COOPERATIVES AND COLLECTIVE STANDARDS (Case 5.1218-C ZTA). (MW)

FROM: Department of Planning Services

SUMMARY

The City Council has requested minor changes be made to the zoning ordinance.

RECOMMENDATION:

Recommend approval to the City Council.

ANALYSIS:

Section 93.23.15 C is proposed to be amended referring to a regulatory permit that will be established in the licensing section of the code (Title 5).

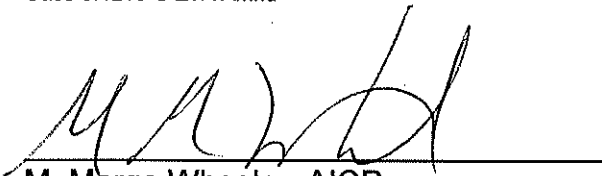
The way of measurement is also proposed to be changed to the more efficient lot line to lot line rather than using building location.

ENVIRONMENTAL ASSESSMENT

Staff has reviewed the draft ordinance under the provisions of the California Environmental Quality Act (CEQA) and has determined that the proposed Zone Text Amendment is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of CEQA. The proposed amendment does not result in any significant change in land use or density.

NOTIFICATION

A notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1218-C ZTA Amendment was given in accordance with applicable law.

A handwritten signature in black ink, appearing to read 'M. Margo Wheeler', is written over a solid horizontal line.

M. Margo Wheeler, AICP
Director of Planning Services

Attachment:

1. Draft Resolution

RESOLUTION NO.

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND PARAGRAPH A.20 OF SECTION 92.15.01, PARAGRAPH A.6 OF SECTION 92.10.01, PARAGRAPH A.5 OF SECTION 92.17.1.01, AND SECTION 93.23.15 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO ZONING REGULATIONS FOR MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES IN THE CITY.

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1218-C Zone Text Amendment was given in accordance with applicable law; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined that the proposed Zone Text Amendment is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of CEQA. The proposed amendment does not result in any significant change in land use or density.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1. Paragraph A.20 of Section 92.15.01 of the Palm Springs Municipal Code is amended to read:

20. Medical Cannabis Cooperative or Collective, 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.

Section 2. Paragraph A.6 of Section 92.17.01 of the Palm Springs Municipal Code is amended to read:

6. Medical Cannabis Cooperative or Collective, 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.

Section 3. Paragraph A.5 of Section 92.17.1.01 of the Palm Springs Municipal Code is amended to read:

5. Medical Cannabis Cooperative or Collective, 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.

Section 4. Section 93.23.15 of the Palm Springs Municipal Code is amended to read:

93.23.15 Medical Cannabis Cooperative or Collective Special Standards.

A. 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 Cooperative or Collective shall be granted or permitted except in conformance with this Section.

B. Medical Cannabis Cooperatives or Collectives 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 of this Code. 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 Chapter 5.35 of this Code and shall otherwise fully comply with the provisions of this Section.

C. No Medical Cannabis Cooperative or Collective shall be established, developed, or operated within five hundred (500) feet of a school, public playground or park, or any residential zone property, child care or day care facility, youth center, or church, or within one thousand (1,000) feet of any other Medical Cannabis Cooperative or Collective, and shall not be located on any property that is occupied with a commercial retail use where such use is the primary use on such property. 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 Medical Cannabis Cooperative or Collective is, or will be located, 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.

D. A Medical Cannabis Cooperative or Collective is not and shall not be approved as an accessory use to any other use permitted by this Zoning Code.

E. A Medical Cannabis Cooperative or Collective shall be parked at a rate of one (1) space for every two hundred fifty (250) gross square feet of office space, and one (1) space for every eight hundred (800) square feet of warehouse/cultivation space. Administrative modifications for this standard may be granted by the City Council pursuant to Section 94.06.01.B.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends that the City Council amend Paragraph A.20 of Section 92.15.01, Paragraph A.6 of Section 92.10.01, Paragraph A.5 of Section 92.17.1.01, and Section 93.23.15 of the Palm Springs Municipal Code, relating to zoning regulations for medical cannabis cooperatives and collectives in the City.

ADOPTED this 12th day of February 2014.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

M. Margo Wheeler, AICP
Director of Planning Services

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