



## City Council Staff Report

Date: September 17, 2014 Public Hearing (Closed)

Subject: REVIEW AND EVALUATION OF APPLICATIONS AND AWARD A FOURTH PERMIT FOR A MEDICAL CANNABIS COOPERATIVES OR COLLECTIVE AND CEQA EXEMPTION AND DETERMINATION

From: David H. Ready, City Manager  
Douglas Holland, City Attorney

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### SUMMARY

The City Council conducted a public hearing on September 3, 2014, on eight applications for one additional medical cannabis/cooperative in the City. After the conclusion of the hearing, the Council closed the hearing and commenced its deliberations. The Council continued the closed hearing to September 17, 2014. To assist the Council in the review of issues the Council identified in its deliberations, a request for additional information was submitted to each of the applicants and the responses have been attached to the staff report.

### RECOMMENDATION:

1. Public testimony was closed September 3, 2014;
2. Conclude the evaluation and deliberation on medical cannabis cooperative/collective applications; and
3. Adopt a resolution awarding a fourth permit for the fourth medical cannabis cooperative or collective, subject to conditions of approval.

### STAFF ANALYSIS:

After conducting the hearing on the fourth medical cannabis collective or cooperative permit at its last meeting, the Council closed the public hearing, commenced its deliberations, and continued the closed hearing to this meeting date. Prior to continuing the hearing, members of the Council identified certain areas of concern. We submitted a request to each of the applicants for additional information to assist the Council in its further deliberations. The request for information was as follows:

In light of the discussion at the last Council meeting and the general concerns and issues the members of the Council raised, I thought it might be prudent to provide all applicants an opportunity to submit additional information to the City Council. Thus, I am requesting that you submit responses to the two items below. . . . Your responses will be included in the Council agenda packet.

1. Palm Springs Municipal Code Section 5.35.210.B.4 expressly provides that the Council, in the consideration of each application will consider not just each applicant's ability to satisfy the requirements of the Code but the ability to "provide the highest level of service and opportunities for residents of Palm Springs." Please describe the "services and opportunities" you will provide to the residents of Palm Springs.

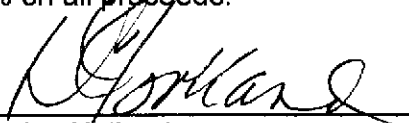
2. Although the City's location requirements are strict and potentially affect most applicants, the Palm Springs Municipal Code provides that administrative modifications to these requirements may be granted by the City Council at the discretion of the Council if the Council can make all of the following findings, based on evidence presented:

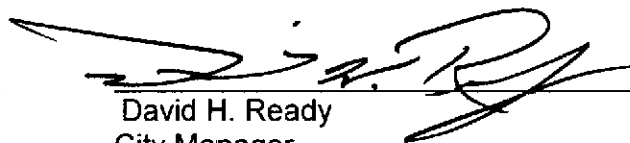
- a. The requested modification is consistent with the general plan, any applicable specific plan, and the overall objectives of the Zoning Code;
- b. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the modification;
- c. The approval or conditional approval of the modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or in the vicinity of the site; and
- d. The approval of the modification is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.

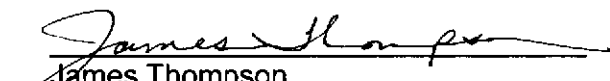
Please describe all facts and evidence that you believe are relevant to your location that would support the approval or grant of an administrative modification from the strict application of the City's location requirements.

Seven of the eight applicants (Brown Dog Farms, P.S. Organica, Palm Springs Safe Access, Southern C's, Palm Springs Premier Care, Jade Organics, and Palm Springs Natural Healing Center) submitted supplemental information. The responses are attached to this staff report for the Council's review and consideration. We recommend the Council conclude its deliberations and adopt a resolution awarding the permit for the fourth medical cannabis cooperative or collective, subject to conditions of approval. A generic resolution has been prepared and is attached to this staff report for the convenience of the Council.

**FISCAL IMPACT:** No negative impact on the City's General Fund. A fourth medical cannabis collective or cooperative will be required to pay the applicable marijuana tax of 10% on all proceeds.

  
\_\_\_\_\_  
Douglas Holland  
City Attorney

  
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David H. Ready  
City Manager

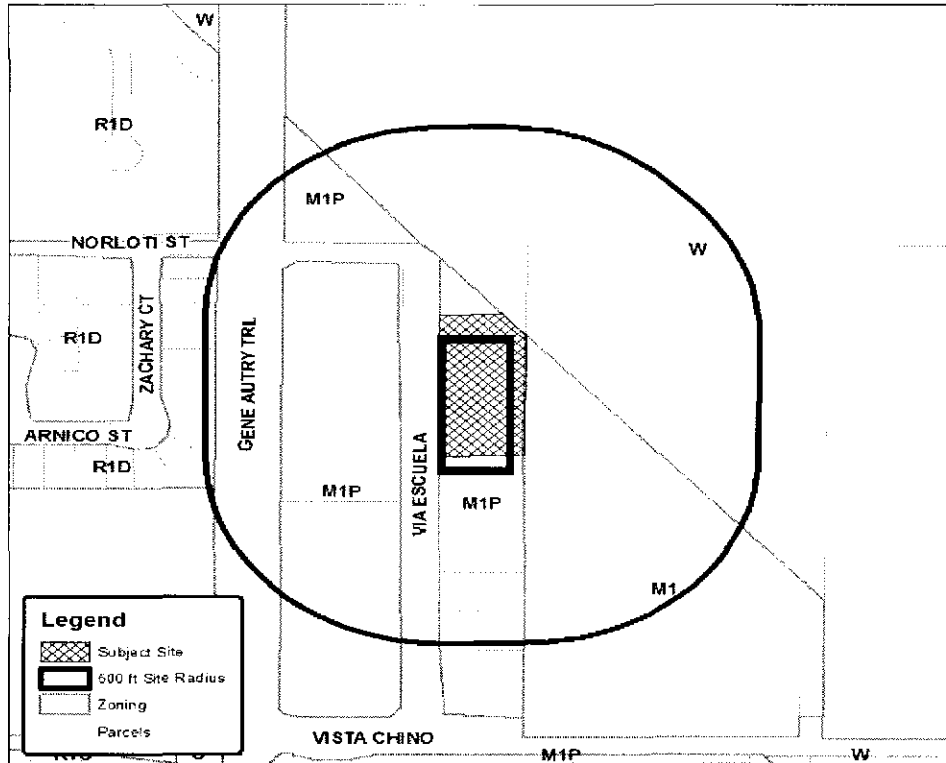
  
\_\_\_\_\_  
James Thompson  
City Clerk

Attachments:

1. Vicinity Maps for Applicants
2. Responses/Supplemental Information from Applicants
3. Draft Resolution



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**APPLICANT: # 1**

**Brown Dog**  
2050 Executive Drive

**DESCRIPTION:** This map defines a 500 foot radius of the applicants' proposed medical cannabis dispensary.

### NEIGHBORHOOD ORGANIZATIONS:

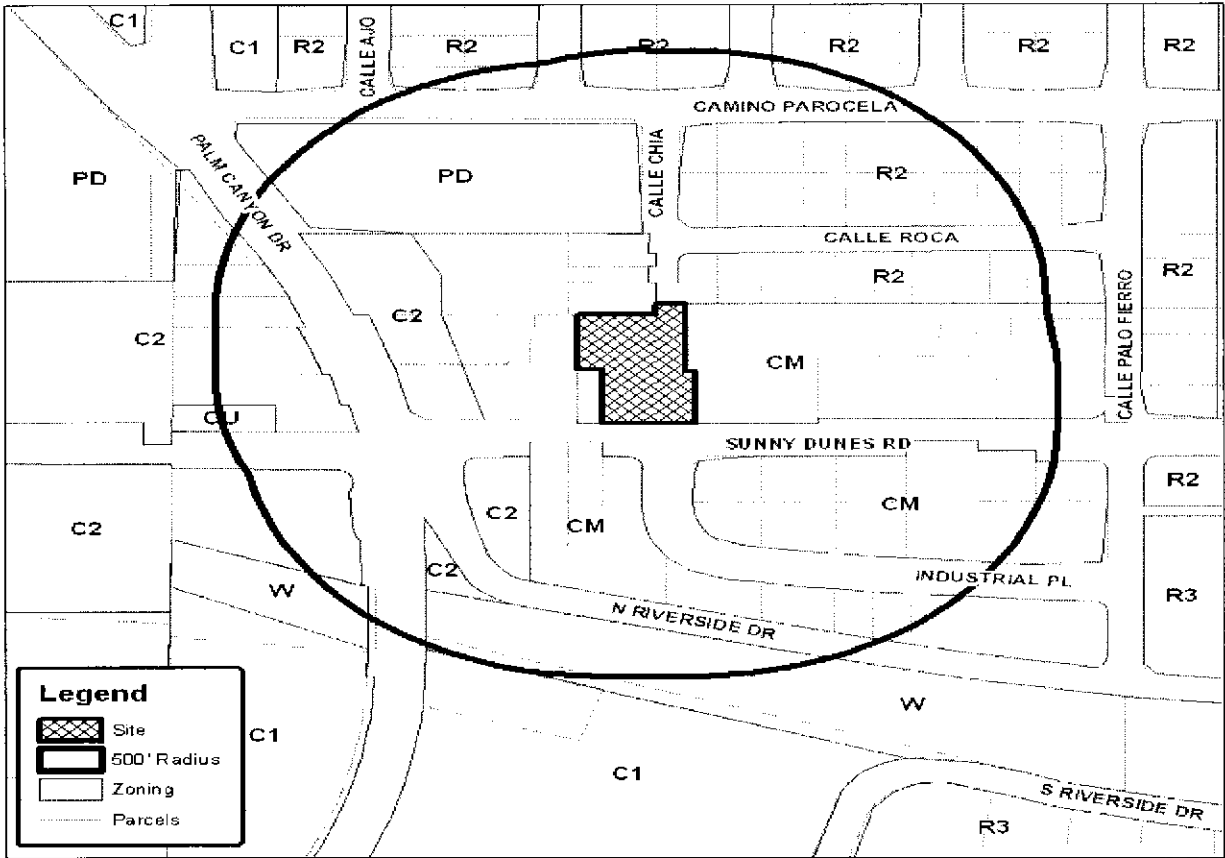
- El Rancho Vista Estates
- Agua Caliente Indian Reservation

### ADJACENT ZONES:

C-1: General Commercial  
M-1: Service/Manufacturing  
M-1-P: Planned Research and Development  
R-1-D Single Family Residential  
W: Watercourse



# Department of Planning Services Vicinity Map



**Legend**

- Site
- 500' Radius
- Zoning
- Parcels

## CITY OF PALM SPRINGS

**APPLICANT: # 2**

**Palm Springs Organica**  
400 East Sunny Dunes

**DESCRIPTION:** This map defines a 500 foot radius of the applicants' proposed medical cannabis dispensary.

### NEIGHBORHOOD ORGANIZATIONS:

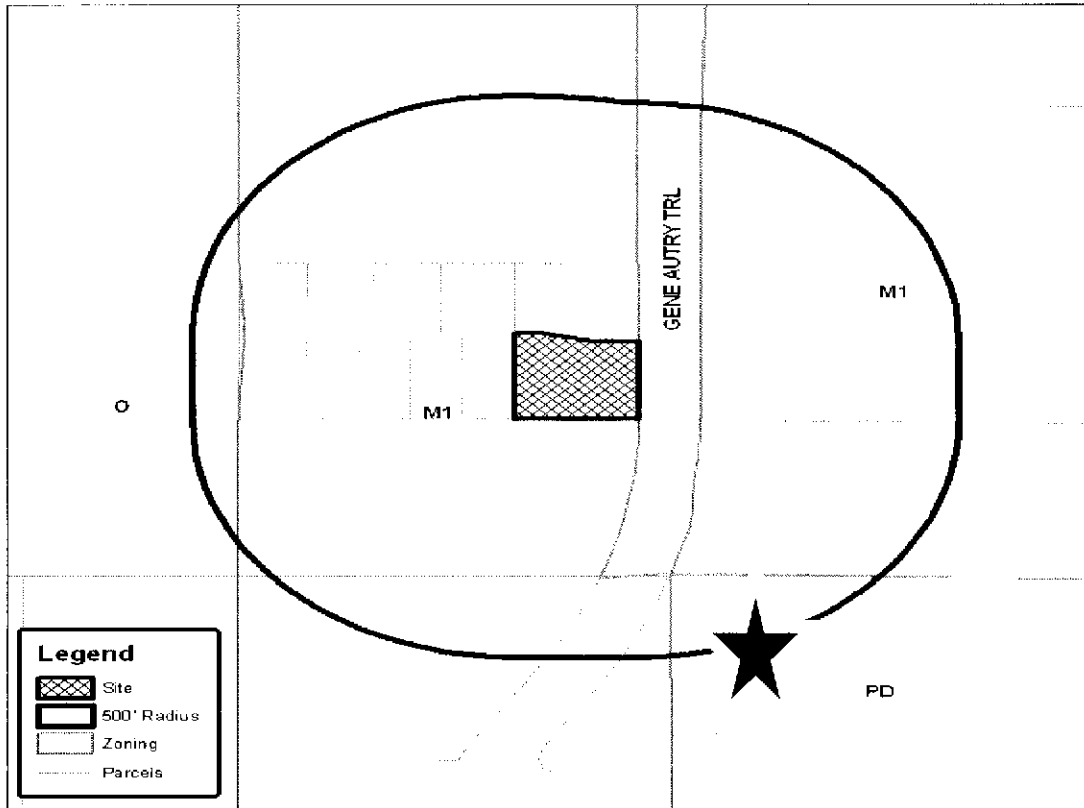
- Tahquitz River Estates
- Warm Sands Neighborhood

### ADJACENT ZONES:

- CM- Commercial Manufacturing
- CU- Civic Uses
- C2- General Commercial
- R2- Multiple-Family Residential



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**APPLICANT: # 3**

**Palm Springs Safe Access**  
1247 S Gene Autry Trail

**DESCRIPTION:** This map defines a 500 foot radius of the applicants' proposed medical cannabis dispensary.

### NEIGHBORHOOD ORGANIZATIONS:

None

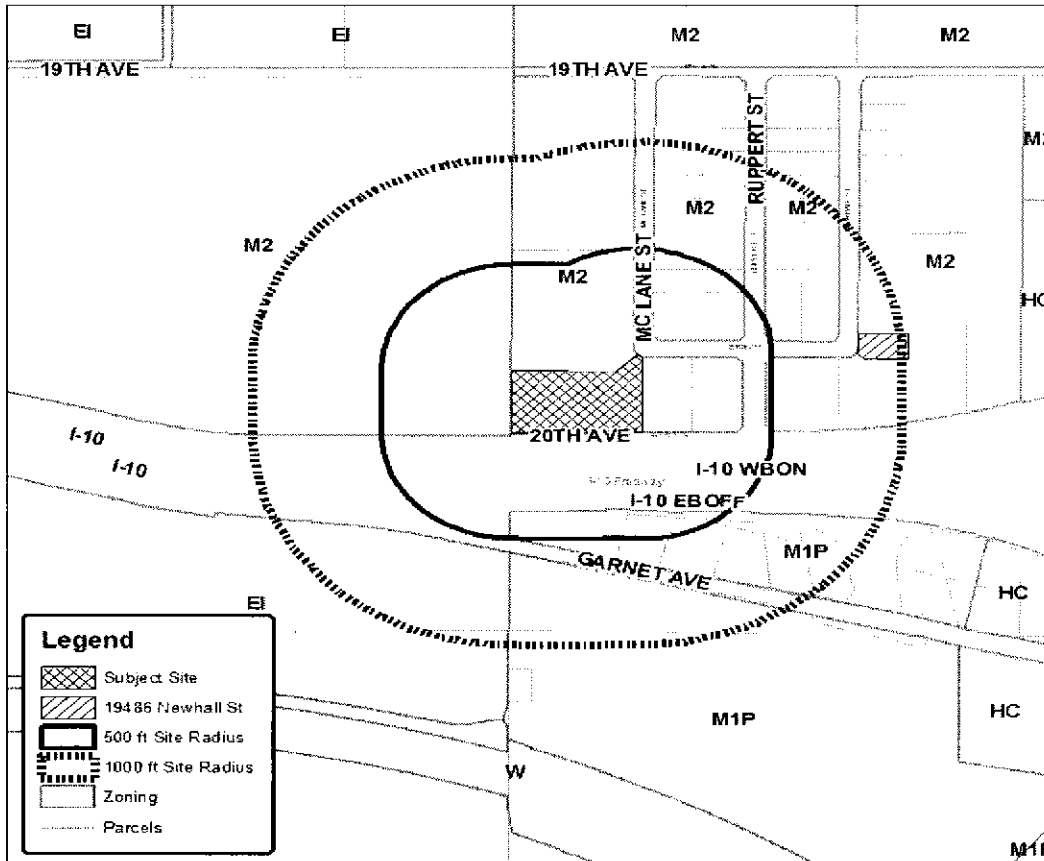
### ADJACENT ZONES:

- M-1: Service/Manufacturing zone
- O: Open Space
- PD: Planned Development (Knots Soak City Water Park)
- R-1-C Single Family Residential Zone

**NOTE:** Soak City Water Park is located approximately 345.3 feet as marked with Star



# Department of Planning Services Vicinity Map



**Legend**

- Subject Site
- 19486 Newhall St
- 500 ft Site Radius
- 1000 ft Site Radius
- Zoning
- Parcels

## CITY OF PALM SPRINGS

<p><b>APPLICANT:</b>     <b># 4</b></p> <p>                          <b>Southern C's</b>                           63-738 Orr Way</p>	<p><b>DESCRIPTION:</b> This map defines a 500 foot radius of the applicants' proposed medical cannabis dispensary.</p>
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No adjacent Neighborhood Organizations are within the 500' radius of this site.

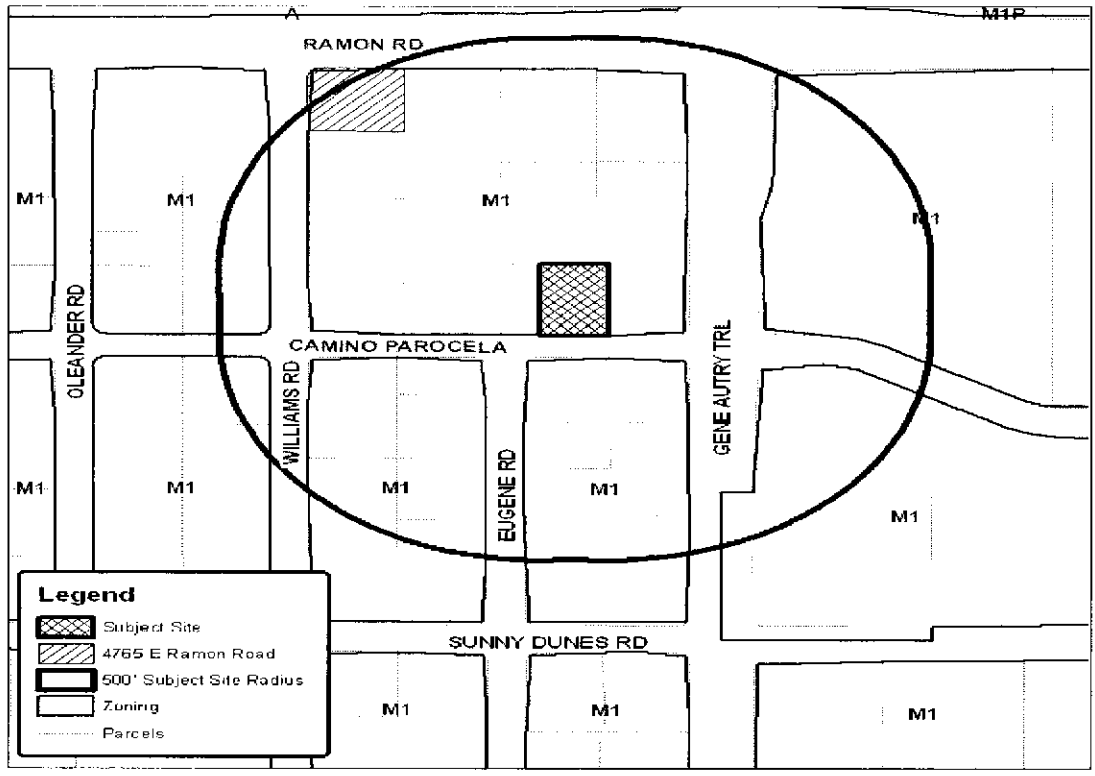
**NOTE:** As shown on the map the parcel addressed **Desert Organic Solutions** at **19486 Newhall Road** is within 1000' feet.

**ADJACENT ZONES:**

M-2: Manufacturing



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**APPLICANT: # 5**  
  
**Oasis Wellness**  
4810 E. Camino Parocela

**DESCRIPTION:** This map defines a 500 foot radius of the applicants' proposed medical cannabis dispensary.

### NEIGHBORHOOD ORGANIZATIONS:

- Demuth Park Neighborhood

### ADJACENT ZONES:

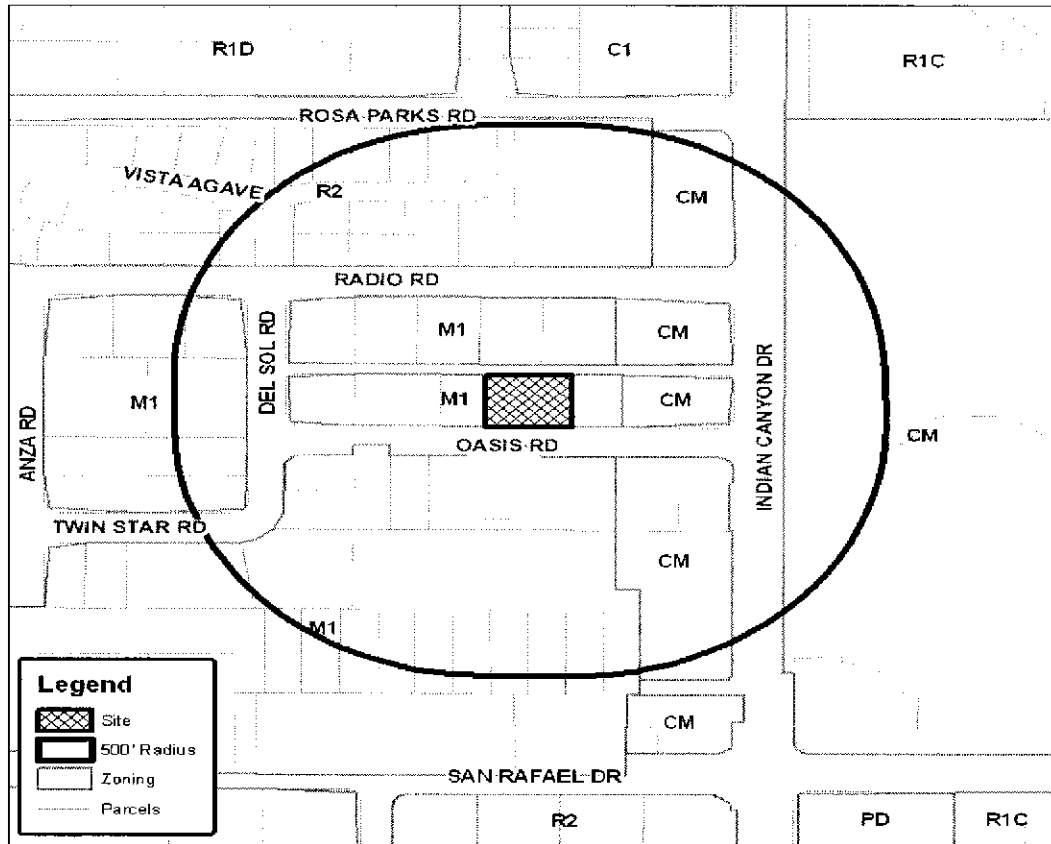
- A: Airport
- M-1: Service/Manufacturing
- M-1-P: Planned Research and Development Zone
- P: Professional Zone
- R-1-C: Single Family Residential
- O: Open Space

**NOTE:** The site is located within 500' from **Organic Solution of the Desert, 4765 E Ramon Road** as shown on the map to the northwest of applicant's propose dispensary.





# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**APPLICANT: # 6**

**Palm Springs Premier**  
188 West Oasis Road

**DESCRIPTION:** This map defines a 500 foot radius of the applicants' proposed medical cannabis dispensary.

### NEIGHBORHOOD ORGANIZATIONS:

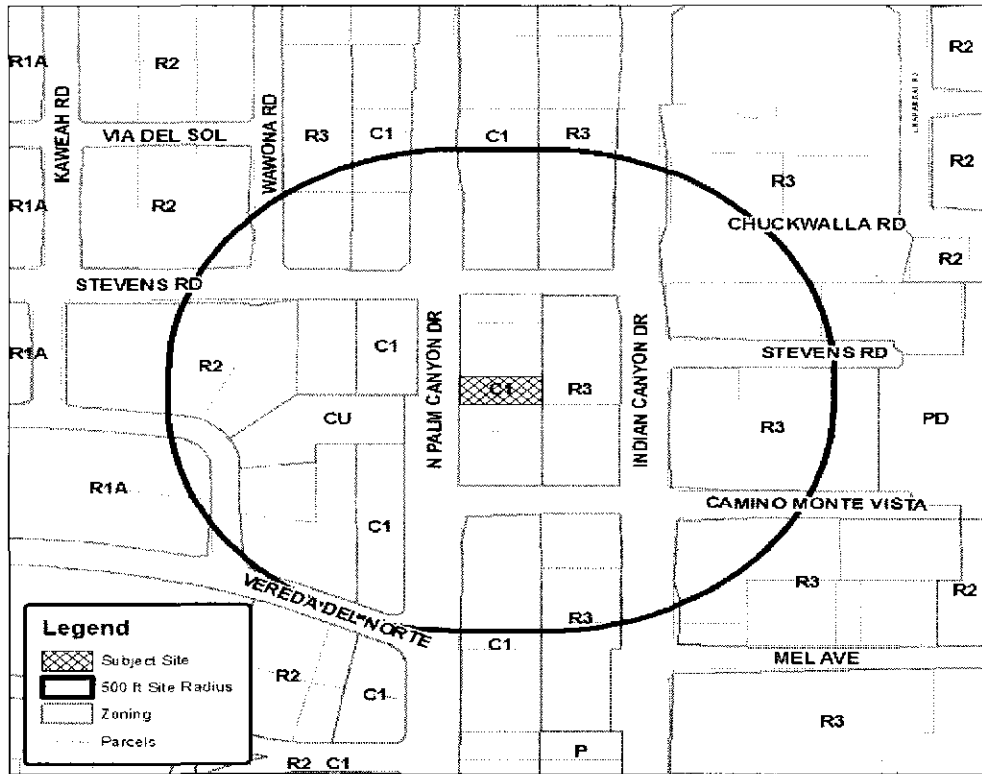
- Desert Highland Estates Neighborhood

### ADJACENT ZONES:

- CM: Commercial Manufacturing
- M-1: Service/Manufacturing
- R-2: Limited Multi-Family Residential



# Department of Planning Services Vicinity Map



**Legend**

- Subject Site
- 500 ft Site Radius
- Zoning
- Parcels

## CITY OF PALM SPRINGS

**APPLICANT: # 7**

**Jade Organics**  
1478 N Palm Canyon Drive

**DESCRIPTION:** This map defines a 500 foot radius of the applicants' proposed medical cannabis dispensary.

**NEIGHBORHOOD ORGANIZATIONS:**

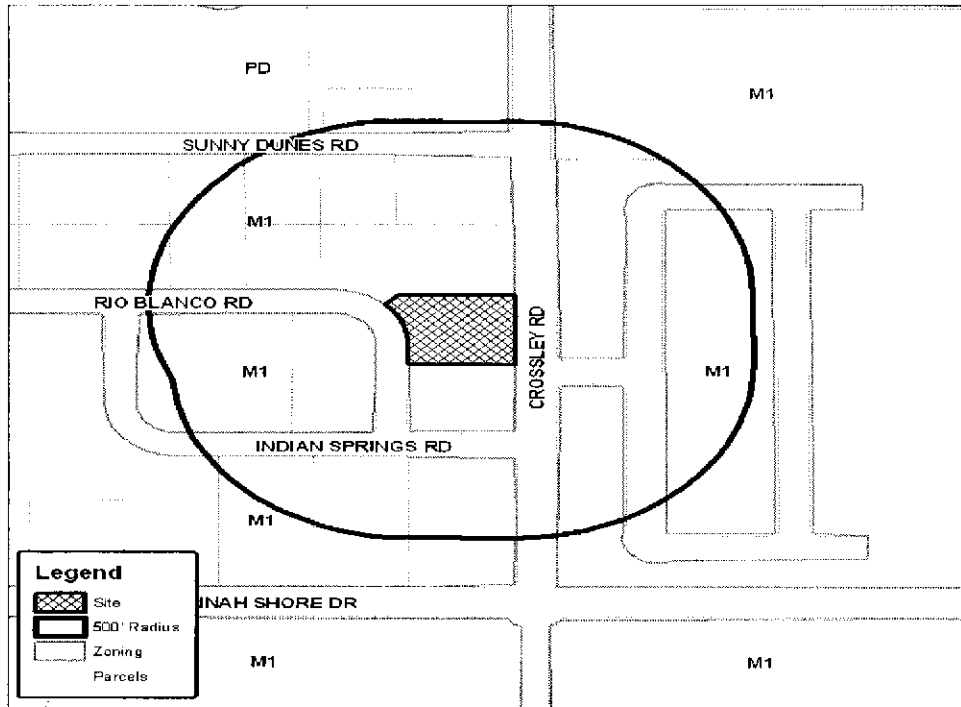
- Old Las Palmas Neighborhood Organization
- Vista Las Palmas Neighborhood Organization

**ADJACENT ZONES:**

- C-1: General Commercial
- CU: Civic Uses
- R-2: Limited Multi-Family Residential
- R-3: Multi-Family Residential and Hotel



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**APPLICANT: # 8**

**Palm Springs Natural Healings**  
913 Crossley Road

**DESCRIPTION:** This map defines a 500 foot radius of the applicants' proposed medical cannabis dispensary.

NEIGHBORHOOD ORGANIZATIONS:

None

INDIAN LAND:

Section 20

ADJACENT ZONES:

M1: Service and Manufacturing

SUPPLEMENTAL INFORMATION  
FROM THE APPLICANTS ARE ON FILE IN  
THE OFFICE OF THE CITY CLERK

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN APPLICATION BY *(Name of Cooperative/Collective)* FOR A PERMIT TO OPERATE A MEDICAL CANNABIS COLLECTIVE OR COOPERATIVE AT *(Address, Zone, Section, Township, Range)*.**

**The City Council of the City of Palm Springs finds:**

A. On March 5, 2014, Ordinance 1845 went into effect. This Ordinance increased the number of permits available in the City for Medical Cannabis Cooperatives/Collectives uses, revised the procedures for the application, administration, and permitting of Medical Cannabis Cooperative/Collectives in the City, revised the operational regulations for such uses, and moved the operational and permitting requirements and regulations from City's Zoning Code to Chapter 5.35 of the City's Municipal Code while retaining the traditional zoning and land use regulations within the City's Zoning Code, including locational requirements.

B. Between June 16, 2014 and July 16, 2014, the City received eight applications for the award of one available permit to operate a Medical Cannabis Cooperative/Collective within the City.

C. The City Manager has overseen the evaluation of each of the eight applications in accordance with the provisions of Ordinance 1845.

D. *(The "Applicant")* is a Medical Cannabis Cooperative/Collective that filed an application pursuant to Chapter 5.35 "Comprehensive Medical Cannabis Regulatory Program" of the Palm Springs Municipal Code for a permit to operate a Medical Cannabis Cooperative/Collective at *(Address)*, which application was received during the submittal period noted above and evaluated by the City.

E. Notices of public hearing of the City Council of the City of Palm Springs to consider the Medical Cannabis Cooperatives/Collective applications, including the application of Applicant, were given in accordance with applicable law.

F. On September 3, 2014, a public hearing on the applications for Medical Cannabis Cooperative/Collectives, including the application submitted by Applicant, was held by the City Council in accordance with applicable law.

**G.** 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.

**H.** The City Council further finds that the City Council established and thereafter amended the Comprehensive Regulatory Program for Medical Cannabis Cooperatives and Collectives, which exists as part of the Municipal Code and is intended to ensure the health, safety, and welfare of the residents of the City by enacting a limitation on the establishment of medical cannabis cooperatives/collectives within the City, and to provide additional locational restrictions for such establishments. The City Council therefore finds that the Medical Cannabis Cooperatives/Collectives allowed under the Palm Springs Municipal Code Chapter 5.35 and the locational requirements provided for in Section 93.23.15 of the Zoning Code will promote the public health and safety by reducing the potential for the types of secondary negative effects caused by Medical Cannabis Cooperatives/Collectives experienced in other communities.

**The City Council of the City of Palm Springs resolves:**

**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.** The obligations of the Medical Cannabis Cooperative/Collective receiving a permit, including all on-going and continuing obligations required pursuant to any provision of Chapter 5.35 of the Municipal 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 Section 5.35.200 of the Municipal Code.

**Section 3.** City Council approves the application of “(Applicant)”, and approves the issuance of a regulatory permit to (Applicant) pursuant to Palm Springs Municipal Code Chapter 5.35 to operate a Medical Cannabis Cooperative/Collective at (Address). These actions are subject to the conditions contained in Exhibit A attached to this Resolution.

Resolution No. \_\_\_\_\_

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ADOPTED, this 17<sup>th</sup> day of September, 2014.

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David H. Ready, City Manager

ATTEST:

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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 September 17, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California

RESOLUTION NO. \_\_\_\_\_

EXHIBIT A

*(Name of Cooperative/Collective)*  
*(Address), Palm Springs, CA*

September 17, 2014

**CONDITIONS OF APPROVAL**

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Manager, 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 09-003); except as modified with the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans on file in the Office the City Clerk, Director of Planning Services, and the Director of Building and Safety, including without limitation site plans, architectural elevations, exterior materials and colors, landscaping, and security systems except as modified by the 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 without limitation all provisions of Chapters 3.35 and 5.35 and Section 93.23.15 of the Palm Springs Municipal Code.
- 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 09-003. 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 Chapter 5.35 of the Palm Springs Municipal Code 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 required under Chapter 5.35 of the Palm Springs Municipal Code. 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.
- 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.
- ADM 18. Sales Tax. Any Medical Cannabis Cooperative or Collective must pay any applicable sales tax pursuant to federal, state, and local law.
- ADM 19. 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 20. 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 21. 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 22. 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 Chapter 5.35 of the Palm Springs Zoning Code.
- ADM 23. 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 24. 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 25. 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 26. 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 27. 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 28. 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 29. 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 C of Section 5.35.210 of the Palm Springs Municipal Code, 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 30. 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 31. 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 32. 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 33. 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 120 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 34.

By-laws. The Police Department and the City Attorney's Office are concerned that cannabis cooperatives 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 membership 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 medicine at a reasonable cost to the member patients and their caregivers. Thus, the inclusion of the following provisions to the bylaws of the Applicant is required. A full copy of the Applicant organization 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](http://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 Chapter 5.35 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 Chapter 5.35 of the Palm Springs Municipal Code. 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**





# City of Palm Springs

Office of the City Clerk

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## NOTICE OF CONTINUANCE

**NOTICE IS HEREBY GIVEN** that the City Council Meeting of September 3, 2014, Item No. 1.E.

**REVIEW AND EVALUATION OF APPLICATIONS AND AWARD A FOURTH PERMIT FOR A MEDICAL CANNABIS COOPERATIVES OR COLLECTIVE AND CEQA EXEMPTION AND DETERMINATION**

**ACTION:** 1) Closed the public testimony portion of the public hearing and 2) Continue the City Council discussion, evaluation, and award of a permit to the City Council meeting of September 17, 2014.


**Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and carried unanimously**

has been continued to Wednesday, September 17, 2014, Council Chamber, 3200 E. Tahquitz Canyon Way, at 6:00 p.m., or as soon thereafter as possible.

### AFFIDAVIT OF POSTING

State of California     )  
County of Riverside    ) ss.  
City of Palm Springs    )

I, James Thompson, City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 7:00 p.m., September 4, 2014, as required by established policies and procedures.

  
\_\_\_\_\_  
James Thompson  
City Clerk