

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTERS 91, 92 AND 93 OF THE PALM SPRINGS ZONING CODE RELATING TO THE PERMITTED LOCATIONS AND DEVELOPMENT STANDARDS OF MEDICAL CANNABIS CULTIVATION FACILITIES AND MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES.

WHEREAS, on January 21, 2015, the City Council voted to initiate Zone Text Amendments relative to zoning requirements for medical cannabis cultivation facilities and to expand the zoning districts where medical cannabis cooperatives or collectives are permitted, and referred the matter to the Planning Commission for recommendation; and

WHEREAS, on April 8, 2015, the Planning Commission conducted a noticed public hearing on proposed amendments to the Palm Springs Zoning Ordinance to expand the zoning districts where medical cannabis cooperatives or collectives are allowed, to allow medical cannabis cultivation facilities as a stand-alone use in industrial districts, and to adjust the separation distance requirements of medical cannabis facilities; and

WHEREAS, the Planning Commission voted to table the discussion of the item until the April 22, 2015 Planning Commission meeting and formed a subcommittee to propose recommendations on the matter; and

WHEREAS, the subcommittee of the Planning Commission met and discussed the proposed amendment, and after reviewing the facts of the case, prepared recommendations to be submitted to the Planning Commission; and

WHEREAS, the Planning Commission carefully reviewed and considered all of the evidence presented at their meeting of April 22, 2015, including but not limited to the recommendation of the Planning Commission subcommittee, the staff report, and all written and oral testimony presented, and

WHEREAS, the proposed Zoning Ordinance Text Amendment is Categorically Exempt under Section 15305, "Minor Alterations in Land Use Limitations," of the Guidelines for the Implementation of the California Environmental Quality Act and that the proposed amendment does not result in any significant changes in land use or density; therefore

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission hereby finds that adoption of the proposed Zoning Ordinance Text Amendment would:

- a. Allow medical cannabis cooperatives or collectives in limited commercial areas as a means to provide greater access for patients while protecting the character and integrity of the City's commercial districts.
- b. Provide opportunities for the development of stand-alone cultivation facilities in industrial districts as a means to safely supply authorized cooperatives or collectives.
- c. Allow greater options in the establishment of medical cannabis facilities while maintaining critical distance separation requirements from protected uses as a means to prevent unauthorized access to or promotion of medical cannabis.
- d. Adhere to the requirements of the California Health and Safety Code in establishing land use regulations for the cultivation and dispensing of medical cannabis to qualified patients.

SECTION 2. The adoption of the proposed Zoning Ordinance Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan as it allows for economic development opportunities while maintaining the integrity of residential neighborhoods and protecting public health, welfare and safety.

SECTION 3. Section 91.00.10(B) of the Palm Springs Zoning Code is amended to read:

"Medical Cannabis Cultivation Facility" means an enclosed facility where medical cannabis is cultivated and processed only for distribution to a licensed Medical Cannabis Cooperative or Collective.

SECTION 4. Section 92.14.01 of the Palm Springs Zoning Code, relative to the uses permitted in the C-2 (General Commercial) zoning district, is amended to read:

A. Uses Permitted.

17. MCCC facilities, subject to the property development standards contained in Section 93.23.15 of this Code and compliance with the provisions of Chapter 5.35 of this Code;

SECTION 5. Section 92.14.1.01 of the Palm Springs Zoning Code, relative to the uses permitted in the HC (Highway Commercial) zoning district, is amended to read:

A. Uses Permitted.

3. MCCC facilities, subject to the property development standards contained in Section 93.23.15 of this Code and compliance with the provisions of Chapter 5.35 of this Code;

SECTION 6. Section 92.14.1.01 of the Palm Springs Zoning Code, relative to the uses permitted in the C-M (Commercial Manufacturing) zoning district, is amended to read:

A. Uses Permitted.

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

SECTION 7. Section 92.16.01 of the Palm Springs Zoning Code, relative to the uses permitted in the M-1-P (Planned Research and Development Park) zoning district, is amended to read:

A. Uses Permitted.

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

SECTION 8. Section 92.17.01 of the Palm Springs Zoning Code, relative to the uses permitted in the M-1 (Service/Manufacturing) zoning district, is amended to read:

A. Uses Permitted.

7. Medical cannabis cultivation facilities, subject to the property development standards contained in Section

93.23.15 of this Code and compliance with the provisions of Chapter 5.35 of this Code;

SECTION 9. Section 92.17.1.01 of the Palm Springs Zoning Code, relative to the uses permitted in the M-2 (Manufacturing) zoning district, is amended to read:

A. Uses Permitted.

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

SECTION 10. Section 93.23.15 of the Palm Springs Zoning Code is amended to read:

Section 93.23.15 Medical Cannabis Cooperative or Collective and Medical Cannabis Cultivation Facility 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 MCCC or Medical Cannabis Cultivation Facility (MCCF) shall be granted or permitted except in conformance with this Section.
- B. ~~The MCCC and MCCF establishments~~ 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 MCCC or MCCF 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 MCCC shall be established, developed, or operated within two-hundred fifty (250) feet of Palm Canyon Drive or any residential zone property; 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 MCCC, 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 MCCC

is, or will be located, and to the nearest property line of those uses described in this Subsection. Administrative modifications for this standard may be granted by the City Council pursuant to Section 94.06.01.B.

- D. A MCCC or MCCF is not and shall not be approved as an accessory use to any other use permitted by this Zoning Code. MCCC and MCCF facilities may be located on the same parcel or on the same premises as otherwise permitted by this Zoning Code.

- E. A MCCC or MCCF 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) 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 approves Case No. 5.1218-D ZTA.

ADOPTED this 22nd day of April, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Flinn Fagg, AICP
Director of Planning Services



CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: 16 April 2015

To: Planning Commission Members

From: Flinn Fagg, AICP
Director of Planning Services

Subject: Subcommittee Recommendations
Case 5.1218-D ZTA – Medical Cannabis Cooperatives and Collectives

The Planning Commission subcommittee met on the afternoon of April 16, 2015, and has recommended the following relative to medical cannabis facilities (Case 5.1218-D ZTA):

Medical Cannabis Cooperatives and Collectives (MCCC) – Recommendations:

- Allow MCCC facilities in the C-2 (General Commercial) and HC (Highway Commercial) zoning districts, subject to revised separation distance requirements. MCCC facilities would be allowed in the following zoning districts:

Zoning District	Existing	Proposed
C-2 (General Commercial)		<u>P</u>
HC (Highway Commercial)		<u>P</u>
C-M (Commercial Manufacturing)	P	<u>P</u>
M-1-P (Planned Research and Development Park)		<u>P</u>
M-1 (Service/Manufacturing)	P	<u>P</u>
M-2 (Manufacturing)	P	<u>P</u>
A (Airport)	P	<u>P</u>

Cultivation Facilities – Recommendations:

- Allow cultivation facilities in all industrial zoning districts. The following table describes the districts in which cultivation facilities would be allowed:

Zoning District	Proposed
C-M (Commercial Manufacturing)	<u>P</u>
M-1-P (Planned Research and Development Park)	<u>P</u>
M-1 (Service/Manufacturing)	<u>P</u>
M-2 (Manufacturing)	<u>P</u>
A (Airport)	<u>P</u>

Separation Distance Requirements – Recommendations:

- With the recommendation to allow MCCC facilities in the C-2 and HC zoning districts, it is proposed that a 250-foot separation distance be added from Palm Canyon Drive. This is intended to prevent MCCC facilities from fronting directly on Palm Canyon, and is consistent with the regulation that Cathedral City has adopted for facilities in their jurisdiction.
- Reduce the separation distance requirement from residential zoning districts from 500 feet to 250 feet.
- Eliminate the separation requirement between MCCC facilities.
- Do not require separation distance requirements for cultivation facilities.

Protected Uses	Existing	Proposed
Child care facilities	500'	500'
Churches	500'	500'
Public parks/playgrounds	500'	500'
Residential	500'	<u>250'</u>
Schools	500'	500'
Youth centers	500'	500'
Palm Canyon Drive	None	<u>250'</u>
Medical Cannabis Cooperatives or Collectives	1000'	<u>None</u>



CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: 13 April 2015

To: Planning Commission Subcommittee

From: Flinn Fagg, AICP
Director of Planning Services

Subject: Medical Cannabis Requirements – Comparison

Per the direction at the Planning Commission meeting of 8 April 2015, the following table compares the medical cannabis zoning regulations for each of the entities in the Coachella Valley:

Jurisdiction	Zoning Districts	Separation Distance	Protected Uses
Palm Springs	<ul style="list-style-type: none"> • C-M (Commercial Manufacturing) • M-1 (Service/Manufacturing) • M-2 (Manufacturing) • A (Airport) 	500'	Child care facilities Churches Public parks/playgrounds Residential Schools Youth centers
		1000'	Dispensaries
Cathedral City	<ul style="list-style-type: none"> • L-1 (Light Industrial) • CBP-2 (Commercial/Bus. Park) • PCC (Planned Community Commercial) 	250'	E. Palm Canyon Drive Residential
		600'	Schools Public parks/playgrounds Child care facilities Youth center
		1000'	Dispensaries
Coachella	• Prohibited	N/A	N/A
Desert Hot Springs	<ul style="list-style-type: none"> • Dispensary – all commercial districts • Cultivation – all industrial districts 	N/A	N/A
Indio	• Prohibited	N/A	N/A
La Quinta	• Prohibited	N/A	N/A
Palm Desert	• Prohibited	N/A	N/A
Rancho Mirage	• Prohibited	N/A	N/A

The following table compares medical cannabis zoning regulations of the City of Palm Springs with other California cities:

Jurisdiction	Zoning Districts	Separation Distance	Protected Uses
Palm Springs	<ul style="list-style-type: none"> • C-M (Commercial Manufacturing) • M-1 (Service/Manufacturing) • M-2 (Manufacturing) • A (Airport) 	500'	Child care facilities Churches Public parks/playgrounds Residential Schools Youth centers
		1000'	Dispensaries
Oakland	<ul style="list-style-type: none"> • Dispensary – all commercial zones • Cultivation – Light Manufacturing Industrial 	600'	Dispensaries Libraries Public parks/playgrounds Residential Schools Youth center
Santa Barbara	<ul style="list-style-type: none"> • Commercial districts (by area and street location) 	1000'	Dispensaries
San Francisco	<ul style="list-style-type: none"> • Neighborhood Commercial District • Mixed-Use Districts 	1000'	Schools Youth centers
San Jose	<ul style="list-style-type: none"> • N/A 	50'	Cultivation Dispensaries
		150'	Residential Churches Adult day care
		500'	Substance abuse clinic Emergency shelter
		1000'	Schools Child care facilities Youth center Public parks/playgrounds Libraries
West Hollywood	<ul style="list-style-type: none"> • CN1 (Commercial Neighborhood 1) • CC1 (Commercial Community 1) • CA (Commercial Arterial) • SSP (Sunset Specific Plan) • CR (Commercial Regional Center) 	500'	Child care facilities Churches Public parks/playgrounds Schools
		1000'	Dispensaries