



CITY COUNCIL STAFF REPORT

DATE: May 20, 2015

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1876 RELATING TO THE PERMITTED LOCATIONS AND DEVELOPMENT STANDARDS OF MEDICAL CANNABIS CULTIVATION FACILITIES AND MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES AND CEQA CATEGORICAL EXEMPTION.

FROM: David H. Ready, City Manager

BY: Office of the Chief of Staff/City Clerk

SUMMARY

The City Council will consider adoption of Ordinance No. 1876.

RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1876, "AN ORDINANCE THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING 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."

STAFF ANALYSIS:

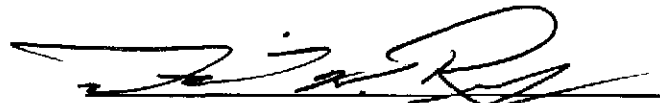
On May 6, 2015, Ordinance No. 1876 was introduced for first reading, as noted below:

ACTION: Waive the reading of the ordinance text in its entirety and read by title only; 2) Introduce on first reading Ordinance No. 1876, "AN ORDINANCE THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING 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," **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

ITEM NO. 2.E.

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, Esq., Ph.D.
City Manager

/tm

Attachments:
Ordinance No. 1876

ORDINANCE NO. 1876

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING 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.

City Attorney Summary

This Ordinance modifies the existing requirements for medical cannabis facilities to allow stand-alone cultivation facilities in industrial zoning districts, and to expand the zoning districts where cooperatives or collectives are allowed to include the H-C (Highway Commercial) and C-2 (General Commercial) zoning districts. In addition, separation distance requirements from protected uses are revised to decrease the distance separation from residential zones, require a distance separation from Palm Canyon Drive, and eliminate the distance separation requirement between cooperatives or collectives.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS:

- A. The proposed zone text amendment (Case 5.1218-D ZTA) is Categorically Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act because the proposed zone text amendment proposes only insignificant changes to land use.
- B. The proposed zone text amendment establishes zoning regulations for the controlled cultivation of medical cannabis and allows cooperatives or collectives in limited commercial districts, while still providing adequate separation from protected uses.
- C. The City Council hereby finds that adoption of the proposed Zoning Ordinance Text Amendment would:
 1. 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.
 2. Provide opportunities for the development of stand-alone cultivation facilities in industrial districts as a means to safely supply authorized cooperatives or collectives.
 3. 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

uses as a means to prevent unauthorized access to or promotion of medical cannabis.

4. 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.

D. The adoption of the proposed zoning 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 1. Section 91.00.10(B) of the Palm Springs Zoning Code is amended to include the following definition:

"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 2. Section 92.14.01(A) of the Palm Springs Zoning Code, relative to the uses permitted in the C-2 (General Commercial) zoning district, is amended to include the following use:

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 3. Section 92.14.1.01(A) of the Palm Springs Zoning Code, relative to the uses permitted in the HC (Highway Commercial) zoning district, is amended to include the following use:

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 4. Section 92.15.01(A) of the Palm Springs Zoning Code, relative to the uses permitted in the C-M (Commercial Manufacturing) zoning district, is amended to include the following use:

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 5. Section 92.16.01 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 include the following uses:

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 6. Section 92.17.01(A) of the Palm Springs Zoning Code, relative to the uses permitted in the M-1 (Service/Manufacturing) zoning district, is amended to include the following use:

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 7. Section 92.17.1.01(A) of the Palm Springs Zoning Code, relative to the uses permitted in the M-2 (Manufacturing) zoning district, is amended to include the following use:

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 8. Section 92.17.2.01(A) of the Palm Springs Zoning Code, relative to the uses permitted in the E-I (Energy Industrial) zoning district, is amended to include the following use:

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 92.18.01(A) of the Palm Springs Zoning Code, relative to the uses permitted in the A (Airport) zoning district, is amended to include the following uses:

A. Uses Permitted.

9. 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;
10. 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. 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, child care or day care facility, youth center, or church. 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.

SECTION 11. 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 BY THE PALM SPRINGS CITY COUNCIL THIS 20TH DAY OF MAY, 2015.

STEPHEN P. POUCKET, MAYOR

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, California, do hereby certify that Ordinance No. 1876 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on May 6, 2015, and adopted at a regular meeting of the City Council held on the 20th day of May, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California