



City Council Staff Report

DATE: June 17, 2015

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1879 RELATING TO MEDICAL CANNABIS CULTIVATION AND INCREASING THE NUMBER OF PERMITTED MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES FROM FOUR (4) TO SIX (6)

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1879.

RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1879," AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 5.35.110 AND 5.35.120 OF, AND ADDING SUBSECTION C TO SECTION 5.35.340 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS CULTIVATION AND INCREASING THE NUMBER OF PERMITTED MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES FROM FOUR (4) TO SIX (6)."

STAFF ANALYSIS:

On June 3, 2015, Ordinance No. 1879 was introduced for first reading, as noted below:

ACTION: 1) Waive the reading of the ordinance text in its entirety and introduce Ordinance No. 1879, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 5.35.110 AND 5.35.120 OF, AND ADDING SUBSECTION C TO SECTION 5.35.340 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS CULTIVATION AND INCREASING THE NUMBER OF PERMITTED MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES FROM FOUR (4) TO SIX (6);" *amending the second sentence of Section 5.35.340(c)(1) to read "Nothing in this Section shall prohibit two or more permitted MCCCs from operating or maintain such MCCF, "and Section 5.35.340(c)(2) to read "one hundred percent (100%) of all*

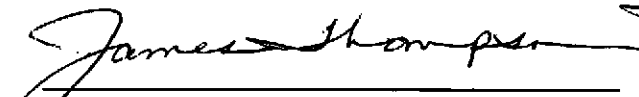
Item No. **2.M.**

cannabis or marijuana cultivated at MCCF shall be distributed solely to one or more MCCFs permitted pursuant to the provisions of this Chapter; and 2) Direct Staff the City Council preference to limit consideration to the applicants in the last process.

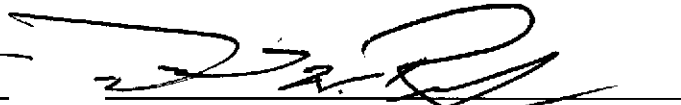
Motion Councilmember Foat, seconded by Councilmember Hutcheson and carried 3-1 on a roll call vote.

AYES: Councilmembers Foat, Hutcheson, and Mayor Pro Tem Lewin.
NOES: Councilmember Mills.
ABSENT: Mayor Pougnet.

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

/kdh

Attachments:
Ordinance No. 1879

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 5.35.110 AND 5.35.120 OF, AND ADDING SUBSECTION C TO SECTION 5.35.340 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS CULTIVATION AND INCREASING THE NUMBER OF PERMITTED MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES FROM FOUR (4) TO SIX (6).

City Attorney Summary

The City's existing comprehensive medical cannabis regulatory program limits the number of medical cannabis cooperatives or collectives in the city and only allows cultivation of cannabis within the location of each medical cannabis cooperative, or collective. This Ordinance increases the number of permitted medical cannabis cooperatives or collectives to 6 and allows permitted cooperatives and collectives to engage in cannabis cultivation at locations other than the locations of the collective or cooperative.

The City Council of the City of Palm Springs, California, ordains:

SECTION 1. Section 5.35.110 of the Palm Springs Municipal Code is amended by adding the following definition of "Medical Cannabis Cultivation Facility" to the Palm Springs Municipal Code:

"Medical Cannabis Cultivation Facility" or "MCCF" means a fully enclosed building or portion of a building that is solely used for the purpose of planting, growing, harvesting, drying, processing, or storage of one or more cannabis or marijuana plants or any part thereof.

SECTION 2. Section 5.35.120 of the Palm Springs Municipal Code is amended to read:

5.35.120 Maximum Number of Medical Cannabis Cooperatives and Collectives.

No more than six (6) permitted MCCCs shall be maintained or operated in the City at any time. This maximum number or permitted MCCCs shall not include any MCCF approved pursuant to Section 5.35.340.C of this Code.

SECTION 3. Subsection C is added to Section 5.35.340 of the Palm Springs Municipal Code to read:

C. Medical Cannabis Cultivation Facility.

1. Each permitted MCCC may operate and maintain one (1) MCCF, subject to the requirements of the City's Zoning Code. Nothing in this Section shall prohibit two or more permitted MCCC's from operating or maintaining such MCCF.

2. One hundred percent (100%) of all cannabis or marijuana cultivated at each MCCF shall be distributed solely to one or more MCCFs permitted pursuant to the provisions of this Chapter.

3. Each MCCF shall be used exclusively for cultivation and for no other use or purpose. This prohibition includes without limitation distribution or sales to patients.

4. No Person shall cultivate, plant, grow, harvest, dry, process, or store one or more cannabis or marijuana plants or any part thereof in the City unless such activity has been approved or authorized pursuant to the provisions of this Chapter.

SECTION 4. Adoption of the proposed Ordinance is exempt from the provisions of the California Environmental Quality Act (California Public Resources Code Section 21000, *et seq.*, "CEQA" and CEQA Regulations (14 California Code of Regulations, Section 15000, *et seq.*) "CEQA Guidelines") because it defines terms used in the Municipal Code, addresses uses permitted under the City zoning districts, and contemplates leasing of existing buildings in a manner allowed under the Code. This Ordinance is therefore categorically exempt from review under CEQA review under Ceqa Guidelines Section 15301.

SECTION 5. 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 __ DAY OF _____, 2015.

STEPHEN P. POUQUET, 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, hereby certify that Ordinance No. ____ is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the ____ day of ____, 2015, and adopted at a regular meeting of the City Council held on the ____ day of ____, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California