CITY COUNCIL STAFF REPORT

DATE: June 3, 2015

LEGISLATION

SUBJECT: 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).

FROM: David H. Ready, City Manager

BY: Douglas Holland, 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.

RECOMMENDATION:

1. Waive text and introduce for first reading an Ordinance of the City Council "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)."

Douglas Holland
City Attorney

David H. Ready, Esq., Ph.D
City Manager

Attachment: Draft Ordinance
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 of 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 may operate or maintain such MCCF.

2. One hundred percent (100%) of all cannabis or marijuana cultivated at each MCCF shall be distributed solely to a MCCF 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. 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.

ATTEST:

STEPHEN P. POUGNET, MAYOR

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