



City of Palm Springs CANNABIS RELATED BUSINESS AND ACTIVITIES

SUBJECT: Cannabis Facilities Odor Control Requirement

REGULATION NO. 2018-06

I. Purpose

To establish a regulation pertaining specifically to the cannabis facilities odor control for locations for Cannabis Related Business and Activities Permit Holders under Palm Springs Municipal Code (PSMC) Chapters 5.45 (medical) and 5.55 (adult-use), Medical and Adult-Use Cannabis Related Business and Activities.

II. Application

PSMC Sections 5.45.400 (medical) and 5.55.040 (adult-use) authorize the City Manager to establish administrative rules and regulations for the purpose of implementing, interpreting, clarifying and carrying out, furthering and enforcing the requirements of the provisions of PSMC Chapter 5.45 and 5.55 respectively.

PSMC Sections 5.45.200 (medical) and 5.55.200 (adult-use) require each every permittee to deploy odor prevention devices and techniques. PSMC Sections 5.45.095.A.4 (medical) and 5.55.055.A.4 (adult-use) require minimization of odors detectable from dispensaries at offsite locations. PSMC Sections 5.45.140 (medical) and 5.55.140 (adult-use) state requirements with which each permittee must comply before a permittee may commence operations. One requirement is that a permittee must "obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone." In addition PSMC 5.45.140 and 5.55.140 require that the Director of Planning Services determine that any cannabis business to be located at a particular site meet all requirements of the City's zoning ordinance.

The City Manager has determined that facts and circumstances related to the odor of many cannabis related businesses in the community may present a significant public nuisance similar to that identified by section 93.23.15.F.5.h with respect to cannabis lounge facilities, and that there is a necessity that all applications for an administrative cannabis business permit include an odor control plan approved by the City.

This Administrative Regulation is issued as an interim matter. The issue addressed pursuant to this regulation will be the subject of an amendment to PSMC Chapters 5.45 (medical) and 5.55 (adult-use).

III. Procedure

- A. Each applicant for a permit to operate a cannabis business in the City shall submit and file with his/her/its initial application for that permit an odor control and mitigation plan. That plan shall provide a sufficient odor absorbing ventilation and exhaust system so that the distinctive odor generated inside the cannabis facility is not detected outside the cannabis facility, anywhere on the adjacent property, from any public right-of-way way, on or about any exterior or interior

common area walkways, hallways, breezeways, foyers, lobby areas, or in any other area available for common use by tenants or the visiting public, or within any other unit located within the same building as the cannabis facility. Each odor control and mitigation plan shall be certified by a qualified licensed professional engineer, and include the following:

- a. Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;
- b. Staff training procedures;
- c. Engineering control, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources.

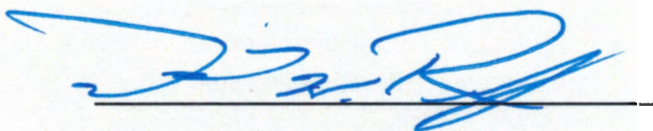
In addition, the odor control and mitigation plan shall be consistent with accepted and best available industry-specific technologies designed to effectively mitigate odors from all odor sources.

- B. The owners/operators of existing facilities operating with City permits issued prior to the effective date of this regulation, and the holders of City permits who have not yet commenced operations shall submit their respective odor control and mitigation plans to the Department of the City Attorney within such time as may be communicated to them by the City Attorney.
- C. Odor control and mitigation plan requirements, as well as review and inspection requirements related to such plans, shall be established and modified, from time to time, by the Department of the City Attorney in consultation with the Department of Planning.
- D. Any failure to submit the odor control and mitigation plan for a cannabis business or activity in compliance with this regulation will result in revocation or suspension of the City cannabis permit issued in relation thereto.

IV. Effective Date

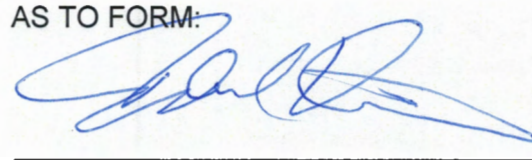
This Administrative Regulation shall be effective on 10/31/2018.

APPROVED:



DAVID H. READY,
City Manager, Esq. Ph.D.

AS TO FORM:



EDWARD Z. KOTKIN
City Attorney