



City of Palm Springs CANNABIS RELATED BUSINESS AND ACTIVITIES

**SUBJECT: Interim Location-Specific Suspension
of Acceptance of Applications for Cannabis Permits**

REGULATION NO. 2019-01

I. Purpose

To establish a regulation providing for a temporary location-specific suspension of acceptance of new applications for cannabis permits for Cannabis Related Business and Activities under Palm Springs Municipal Code (PSMC) Chapter 5.45 (medical) and 5.55 (adult-use), Medical and Adult-Use Cannabis Related Business and Activities.

II. Authority

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. In addition, Section 403, Subdivision (g) of the Charter of the City of Palm Springs authorizes the City Manager to "[p]rescribe such general rules and regulations as he or she may deem necessary or proper for the general conduct of the administrative offices and departments of the City."

III. Application

The City Manager has determined that circumstances at two (2) specific locations in the City may imminently present (i) an over-concentration of cannabis related businesses and activities, and/or (ii) a cumulative odor control problem. Accordingly, City acceptance of new cannabis applications for permits in relation to proposed businesses in these locations, prior to the completion of City analysis of these potential problems, is contrary to the interests of the City. Therefore, the City Manager deems it necessary and proper to suspend acceptance of new applications for cannabis permits for proposed cannabis facilities in these two (2) specific locations as set forth in this regulation, and thereby promote the public health, safety, and welfare.

This administrative regulation is an interim matter. The City staff will be requesting that the City Council adopt an interim urgency ordinance, pursuant to California Government Code Section 65858, consistent with this regulation and providing for a forty-five (45) day period, which period the City may extend in accordance with law, during which there shall be a location-specific moratorium on acceptance of new applications for cannabis permits. During the period of this moratorium, the City shall study and report findings to the City Council on the matters addressed herein, so that the Council may take appropriate action. The City also anticipates that the matters covered by this administrative regulation will be the subject of an amendment to PSMC Chapters 5.45 (medical) and 5.55 (adult-use), and an amendment to the Palm Springs Zoning Code (PSZC), Section 93.23.15

To ensure awareness of this regulation in the City's commercial cannabis community, City staff shall:

- A. distribute a true and correct copy of this administrative regulation to all cannabis permittees in the City, and all applicants for cannabis permits with applications pending,
- B. post a copy of this regulation on the City's website, along with all other cannabis regulations adopted to date, and
- C. promptly respond to any permittee, applicant, and general citizen inquiries about the regulation.

Any applicant with a pending and complete application for an administrative cannabis permit, or any permit holder seeking another City approval required as a condition precedent to commencement of cannabis operations, as of the effective date of this moratorium, may withdraw their application. Upon such withdrawal, any permit issued will be void, and the City shall issue a refund to the applicant or permit holder of their application fee, and any other City fees paid to date. An applicant or permit holder may refile a withdrawn application in the event that such refiling does not conflict with any ordinance or regulation of the City in force and effect.

IV. Suspension of Acceptance of Applications for Cannabis Permits

The City shall immediately suspend acceptance of new applications for Cannabis Related Business and Activities permits under PSMC Chapters 5.45 (medical) and 5.55 (adult-use), Medical and Adult-Use Cannabis Related Business and Activities in the following locations:

- A. The location reflected in **Attachment "1"** to this regulation, including both sides of all boundary streets:
 - Northern Boundary:
Radio Road between Indian Canyon Drive and McCarty Road
 - Southern Boundary:
San Rafael Place between Indian Canyon Drive and McCarty Road
 - Western Boundary:
McCarthy Road between Radio Road and San Rafael Place
 - Eastern Boundary:
Indian Canyon Drive between Radio Road and San Rafael Place

- B. The location reflected in **Attachment "2"** to this regulation, including both sides of all boundary streets:
 - Northern Boundary:
East Camino Parocela between Vella Road and South Gene Autry Trail
 - Southern Boundary:
East Sunny Dunes Road between Vella Road and South Gene Autry Trail
 - Western Boundary:
Vella Road between East Sunny Dunes Road and East Camino Parocela
 - Eastern Boundary:
South Gene Autry Trail between East Camino Parocela and East Sunny Dunes Road

V. Effective Date

This administrative regulation is adopted and effective on February 12, 2019, and shall remain in force until the earliest of the three (3) following dates: (i) the City Council's decision not to adopt the moratorium referenced above in Section III of this regulation, or any extension thereof, (ii) the expiration or termination of the moratorium referenced above in Section III of this regulation, or (iii) the effective date of an ordinance that amends PSMC Chapters 5.45 and 5.55 and/or PSZC Section 93.23.15 in a manner consistent with this regulation, or any portion hereof.

APPROVED:

AS TO FORM:

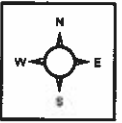


DAVID H. READY, Esq, Ph.D.
City Manager,



EDWARD Z. KOTKIN
City Attorney

Attachment 1

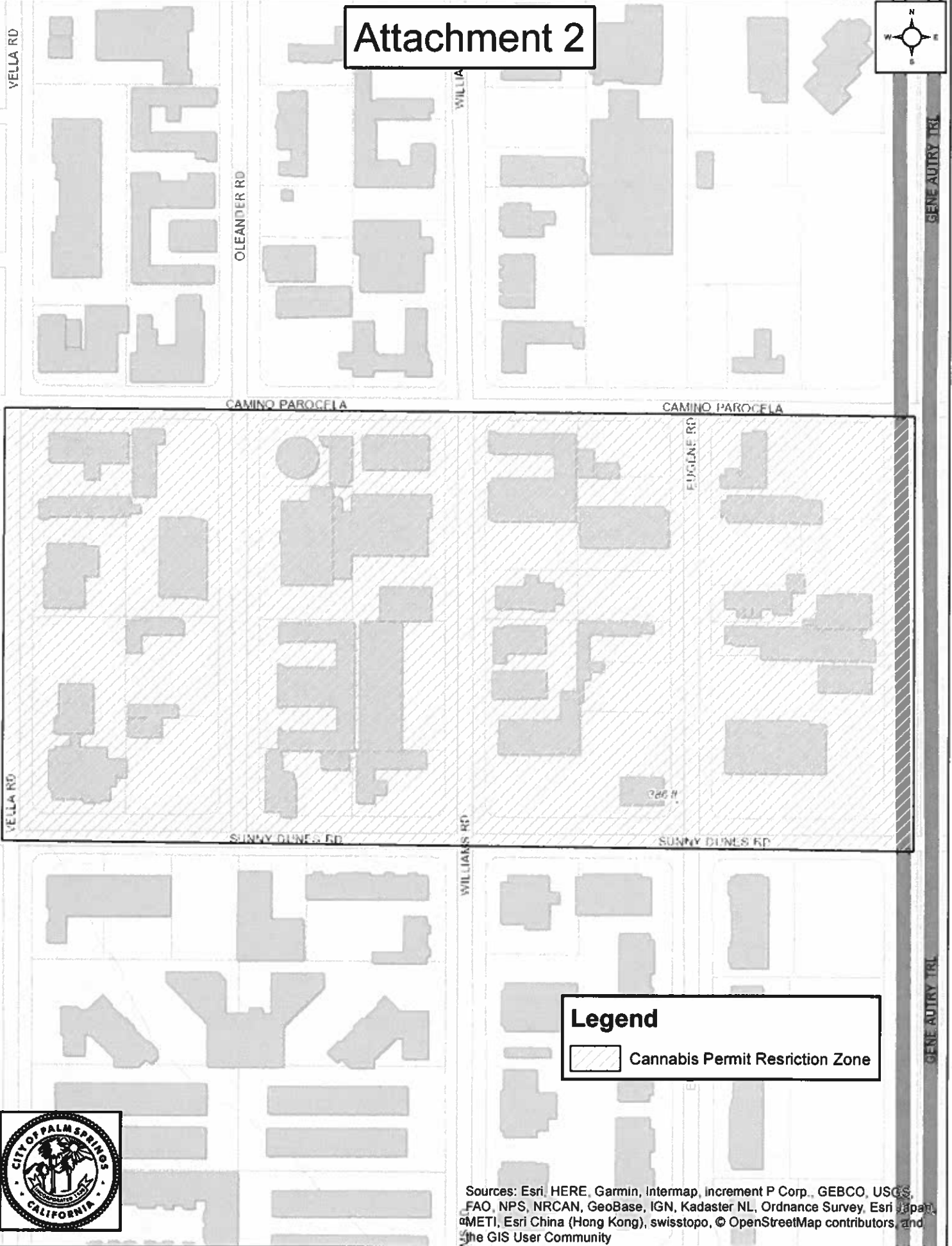
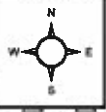


Legend
[Hatched Box] Cannabis Permit Restriction Zone



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

Attachment 2



Legend

 Cannabis Permit Restriction Zone



Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community