



## City of Palm Springs CANNABIS RELATED BUSINESS AND ACTIVITIES

**SUBJECT: Cannabis Facilities Change of Use Permits**

**REGULATION NO. 2018 - 01**

### **I. Purpose**

To establish a regulation pertaining to any change of use when prospective business owners want to establish a cannabis business in a pre-existing business location 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. Application**

PSMC Sections 5.45.400 (medical) and 5.55.400 (adult-use) authorizes the City Manager to establish administrative rules and regulations for the purpose of implementing, interpreting, clarifying, carrying out, furthering and enforcing the requirements of the provisions of PSMC Chapter 5.45 and 5.55 respectively.

PSMC Sections 5.45.140 (medical) and 5.55.140 (adult-use) address requirements before a permittee may commence operations, and each permittee must provide sufficient evidence of the legal right to occupy and use the proposed location for cannabis business and activities.

The City Manager has determined that special circumstances relating to the proposal of a new cannabis related facility at an existing business location exist, even when there is no anticipated construction work requiring the issuance of a building permit. Accordingly, each cannabis permittee seeking to open a cannabis business or conduct cannabis activity in a particular location, *regardless of (i) whether the location in questions has operated as a business, and (ii) whether that permittee must secure any building permit in relation to that opening, must, as a condition precedent of that opening, secure a Change of Use Permit from the Building Department.*

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. Regulation**

- A. PSMC Sections 5.45.140(B) (medical) and 5.55.140(B) (adult-use) set forth building, fire and other inspection and approval requirements that a permittee must complete prior to commencing operations. The code sets forth that all cannabis business shall be subject to a mandatory building inspection.
- B. Whenever a proposed location/facility for a new cannabis business or activity is permitted, the permittee shall apply for and obtain a Change of Use permit from the Building Department based

upon a review and inspection of the new location/facility. This requirement exists regardless of any business or activity that preceded the new cannabis business or activity in question, and regardless of whether the permittee will be required to secure any building permit to commence operation of the new cannabis business or activity.

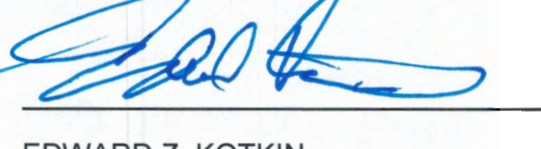
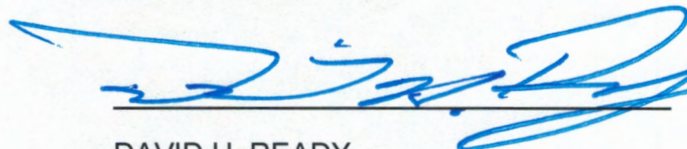
- C. The Change of Use Permit will be subject to such plan review and inspection requirements as may be established and modified, from time to time, by the Department of Building and Code Enforcement.
- D. Any failure to obtain a Change of Use Permit and provide proof thereof to the City Manager prior to the opening of a new cannabis business or activity will result in revocation or suspension of the City Cannabis Business permit issued in relation thereto.

**IV. Effective Date**

This Administrative Regulation shall be effective on 04/25/2018.

APPROVED:

AS TO FORM:



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

EDWARD Z. KOTKIN  
City Attorney