



CITY COUNCIL STAFF REPORT

DATE: May 2, 2012

CONSENT CALENDAR

SUBJECT: INITIATE DRAFT ZONE TEXT AMENDMENT AMENDING SUBSECTION F OF SECTION 93.23.15 OF THE PALM SPRINGS ZONING CODE INCREASING THE NUMBER OF PERMITTED MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES ALLOWED IN THE CITY FROM 3 TO 4 AND REFER SUCH AMENDMENT TO THE PLANNING COMMISSION.

FROM: David H. Ready, City Manager

BY: Douglas Holland, City Attorney

SUMMARY

At its meeting on April 11, 2012, the City Council directed staff to prepare an Ordinance that would increase the number of permitted collectives and cooperatives allowed in the City from 3 to 4. The draft ordinance attached to this staff report allows the issuance of a regulatory permit for a fourth medical cannabis collective or cooperative.

RECOMMENDATION:

1. Initiate a zone text amendment pursuant to Palm Springs Zoning Code Section 94.07.01.a.1.b to study and amend Section 93.23.15 of the Palm Springs Zoning Code relating to medical cannabis cooperatives and collectives.
2. Refer the ordinance to the Palm Springs Planning Commission.

FISCAL IMPACT:

No fiscal impact.

Douglas Holland, City Attorney

David H. Ready, City Manager

Attachments:

Proposed Ordinance

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA,
AMENDING SUBSECTION F OF SECTION 93.23.15 OF THE PALM
SPRINGS MUNICIPAL CODE INCREASING THE NUMBER OF
PERMITTED MEDICAL CANNABIS COOPERATIVES AND
COLLECTIVES ALLOWED IN THE CITY FROM 3 TO 4.**

City Attorney's Summary

The current provisions of the Palm Springs Municipal Code relating to "Medical Cannabis Cooperative and Collective Special Conditions" allow no more than 3 such cooperatives or collectives to operate in the City. This Ordinance would increase the number of cooperatives or collectives to 4.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDAINS:

Section 1. Subsection F of Section 93.23.15 of the Palm Springs Municipal Code is amended to read:

F. No more than four (4) Medical Cannabis Cooperatives and/or Collectives shall be maintained or operated in the City at any time. The City Council shall review and evaluate all qualified applications and will approve issuance of regulatory permits to the most qualified as determined through the Allotment Process described below. Where the City Council has reviewed qualified applications within three (3) years of any review and allotment proposal allowed under the provisions of this Section, the City Council may limit its review to one or more of the qualified applications reviewed and considered during such previous Allotment Process.

Section 2. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then the provisions of Section 1 through 3, inclusive, of this Ordinance shall be deemed invalid and unenforceable and the dispensing of cannabis for any reason in any zone shall be deemed a prohibited use under the City's Zoning Code. The City Council hereby declares that it would not have adopted this Ordinance if any of the sections or provisions thereof may be declared invalid or unconstitutional or contravened via legislation.

Section 3. 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 this _____ day of _____ 2012.

STEPHEN P. POUINET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

DOUGLAS HOLLAND, CITY ATTORNEY