

City of Hesperia

STAFF REPORT



DATE: October 12, 2017

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner

SUBJECT: Review and Recommendation - Ordinance to Regulate Marijuana Related Activities

RECOMMENDED ACTION

The City Council requests that the Planning Commission adopt Resolution No. PC-2017-32, to revise the eligible area for delivery dispensaries within the City of Hesperia. (DCA17-00005)

BACKGROUND

On July 13, 2017, the Planning Commission adopted Resolution No. 2017-14, recommending that the City Council adopt regulations regarding marijuana related activities. All Adult (recreational) related uses are to be prohibited. The City will also regulate personal cultivation at a residence. All outdoor cultivation is prohibited and the six plants permitted under state law must be confined to a locked and secured room or outbuilding, located on the property.

Persons conducting indoor cultivation shall register the address of the residence and pay a fee as determined by the City Council. Said registration shall be renewed annually. If the person is not the property owner, than written permission from the property owner shall be provided as part of the application. Written permission shall also be renewed annually.

All medically related uses are also prohibited, except for delivery services to medical patients. All persons currently holding a doctor's recommendation must renew their recommendation from a bona fide doctor to be eligible to continue to use medical marijuana under the MMRSA.

Delivery services must be located in the General Industrial (GI) zone and the Limited Manufacturing (I-1) and General Manufacturing (I-2) designations. All activities must be indoors and all loading and delivery must take place to the rear of the building. Deliveries must be made to residential addresses and no walk-up services are permitted. As no retail sales are allowed, no display of merchandise is permitted. There will be no outward appearance of the business, other than the name, address and phone number. Delivery vehicles shall not display markings or logos and drivers shall not wear uniforms or dress conspicuously.

ISSUES/ANALYSIS

On September 19, 2017, the City Council voted to remand the ordinance back to the Planning Commission to consider expanding the eligible area for cannabis delivery service businesses. The City Council discussed adding a portion of the Commercial Industrial Business Park zone district, located south of Smoke Tree Street, between Santa Fe Avenue, East and I Avenue (Attachment 1). This additional area would also be subject to the distance limitations specified in the ordinance. Therefore, only portions of this area would become eligible.

Portions of this land are undeveloped, but there are a variety of existing buildings that may be suitable to accommodate a delivery service. Staff prepared a revision to the portion of the marijuana ordinance pertaining to the eligible area described above (Attachment 2). The Planning Commission is requested to review this additional area and return a recommendation to the City Council prior to adoption of the ordinance.

Environmental: As no other portion of the ordinance is being reconsidered at this time, Approval of the revised Development Code amendment is exempt from CEQA per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment and Specific Plan Amendment are also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the amendments are exempt if they do not propose to increase the intensity of development allowed in the General Plan.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Revised map of eligible delivery service locations
2. Resolution No. PC-2017-32, with revised Exhibit "A"