

City of Hesperia

STAFF REPORT



DATE: November 21, 2017

TO: Mayor and City Council members

FROM: Nils Bentsen, City Manager **SECOND READING AND ADOPTION**

BY: Dave Reno, AICP, Principal Planner

SUBJECT: Ordinance to Regulate Cannabis Related Activities

RECOMMENDED ACTION

The Planning Commission recommends that the City Council place on first reading Ordinance No. 2017-15 amending Title 16 of the Hesperia Municipal Code to regulate cannabis related development within the City of Hesperia, as well as expand the eligible area for delivery services. (DCA17-00005)

BACKGROUND

On September 5, 2017, the City Council voted to introduce Ordinance No. 2017-16, to establish business license procedures and regulate cannabis related business activities in the City. The Council also considered Ordinance No. 2017-15 to establish zoning regulations, but remanded 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 2). 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 cannabis ordinance pertaining to the eligible area described above (Attachment 2).

On October 12, 2017, the Planning Commission voted 3-2 to recommend the additional area to be eligible for delivery services. All other portions of the Title 16 zoning regulations remain the same as previously considered by the City Council.

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act 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.

Conclusion: The Ordinance is consistent with the goals, policies and objectives of the General Plan as well as the direction of the City Council and will bring the City's cannabis related regulations into compliance with State law.

ALTERNATIVE(S)

1. The Council may eliminate or reduce the expanded area as shown on Attachment 2 (Exhibit "B" of the proposed ordinance).
2. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2017-15
2. Exhibit "A" (Title 16, Zoning and Development Requirements)
3. Zoning Map with expanded eligible delivery service locations (Exhibit "B").