

REPORT TO THE CITY COUNCIL



DATE: June 19, 2018

TITLE: Second Reading and Adoption of an Ordinance Amending Chapter 17.180 (Medical Marijuana Facilities Operation and Location) of Title 17 "Zoning" of the Desert Hot Springs Municipal Code

Prepared by: Scott Taschner, Senior Planner

Reviewed by: Daniel Porras, Community Development Director
Jennifer Mizrahi, City Attorney

RECOMMENDATION

Approve Second Reading, read by title only and adopt: An Ordinance of the City Council of the City of Desert Hot Springs, Amending Chapter 17.180 (Medical Marijuana Facilities Operation and Location) Allowing for Certain Administrative Approvals for Certain Entitlements, Creating a More Streamlined Process for Already Approved Entitlements Which Are in Good Standing With the City.

PRIOR ACTIONS:

On June 3, 2018, the City Council conducted a first reading of the ordinance and voted to add an additional finding to the ordinance setting a maximum 10% threshold to administrative approvals.

BACKGROUND:

Currently, City of Desert Hot Springs Municipal Code ("DHSMC") regulates Marijuana Facilities in Section 17.180.010-130. The DHSMC currently requires approved cultivation facilities that wish to add more ancillary uses to their project (i.e. distribution, testing) to file an application to amend their Conditional Use Permit. Each one of these requests currently requires a significant amount of work and time to process, and ultimately requires a public hearing at Planning Commission. In May of 2017, the City Council adopted an ordinance to allow administrative approval of Minor Modifications to add manufacturing uses to previously approved cultivation. This ordinance would effectively make the same process available for distribution and other ancillary uses.

ORDINANCE:

The proposed Ordinance would allow holders of entitlements for cultivation facilities in the light industrial zones to be able to take advantage of all of marijuana uses outlined in Chapter 17.180, as may be amended in a streamlined fashion by allowing entitlement holders to apply for a Minor Modification to their entitlements, to be approved administratively, so long as 1) the entitlement holder is in good standing with the City, 2) the added use(s) does not result in any additional impact or expansion of use or structure, and 3) is in compliance with CEQA; and The Ordinance requires that the Community Development Director, or his designee, make the following findings in order to approve the Minor Modification administratively:

A. There is a ten (10) percent or less than deviation to each of the following: ~~There are no impacts or changes to the following:~~

- i. On-site circulation and parking, loading and landscaping;
- ii. Placement and/or height of walls **and** fences, ~~and structures~~;
- iii. Exterior architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme;
- iv. The density or intensity of a development project;

- v. Paving; and
- vi. Hours of operation.

B. There are no changes to the following:

- i. Size of structure(s)
 - ii. Existing or approved grade elevations.
- C. The Marijuana Cultivation Facility and its manufacturing use is consistent with the goals, objectives, policies and programs of the general plan;
- D. The Marijuana Cultivation Facility and its manufacturing use complies with all applicable zoning and other regulations;
- E. The Marijuana Cultivation Facility and its manufacturing use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;
- F. The location, design and operation of the Marijuana Cultivation Facility and its manufacturing use will be compatible with existing and planned land uses in the vicinity.

G. Any project contemplating this Administrative Approval must comply with the California Environmental Quality Act ("CEQA"), and any and all applicable State and local laws and regulations. If CEQA is in fact implicated, as so determined by the Director of Community Development, CEQA must be adhered to, as so required by law.

FISCAL IMPACT:

None.

EXHIBITS

- 1) Strikethrough Version of Ordinance