

REPORT TO THE PLANNING COMMISSION



DATE: August 11, 2020

TITLE: An Ordinance of The City Council of The City of Desert Hot Springs, Amending Chapter 17.180 Allowing Light Distribution Uses for Marijuana Storefront Retail Uses

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RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from the Planning Commission;
- 3) Open Public Hearing;
- 4) Take public testimony;
- 5) Close the Public Hearing;
- 6) Planning Commission discussion and questions to Staff; and
- 7) Planning Commission recommend City Council approval of “An Ordinance of The City Council of The City of Desert Hot Springs, Amending Chapter 17.180 Allowing Light Distribution Uses for Marijuana Storefront Retail Uses”

DISCUSSION

The City of Desert Hot Springs (“City”) is a charter city organized pursuant to Article XI of the California Constitution. Chapter 5.50 “Marijuana Facilities Regulatory Permit,” of the Desert Hot Springs Municipal Code (“DHSMC”) establishes standards for granting permits to Marijuana Facilities within the City. Chapter 17.180, of the DHSMC establishes zoning regulations and development standards for Marijuana Facilities, as that term is defined, within the City. Currently, the DHSMC 17.180.040 “Marijuana Storefront Facilities” does not allow for distribution for products. The proposed Ordinance add a definition for Light Distribution and allows for light distribution at Storefront facilities.

The ordinance proposes the following changes:

Chapter 17.180.030 of the Desert Hot Springs Municipal Code shall be amended in part to add as follows:

Chapter 17.180

“Light Distribution” means the limited sale, or transport of cannabis or cannabis products either within the City limits, or to and from the City from a place outside the City limits, from a City-permitted and licensed Storefront Retail Facility to a permitted business location of another licensed entity subject to State laws and regulations and subject to the provisions of this Chapter and the City’s Municipal Code.

Section 17.180.040 of Chapter 17.180 of the Desert Hot Springs Municipal Code shall be amended to read as follows:

17.180.40 Marijuana Storefront Retail Facilities

- A. Permitted Locations. Marijuana storefront retail facilities shall only be located in any Commercial District in the City.
- B. Number of Plants. Storefront retail facilities shall not cultivate more than 99 mature flowering marijuana plants on site at any one time.

- C. Conditional Use Permit/Regulatory Permit Required. Storefront retail facilities shall obtain both a City-issued Conditional Use Permit and Regulatory Permit.
- D. Approved storefront retail facilities operating with a City-approved Conditional Use Permit and in compliance with all local and State laws may, at their discretion, add a light manufacturing use and also become a light manufacturing facility to their current storefront retail facility.
- E. Approved storefront retail facilities operating with a City-approved Conditional Use Permit and in compliance with all local and State laws may, at their discretion, add a light distribution use their current storefront retail facility. Any and all light distribution uses must comply with all of the following**
- 1. Facility must have separate employee only loading door towards the rear of the building**
 - 2. A maximum number of one (1) unmarked vehicle shall be used to distribute products.**
 - 3. The vehicle mentioned above must have a designated and marked parking space, which space must be in close proximity to the required loading door.**
 - 4. All State and local laws and regulations must be complied with at all times.**
- F. Notwithstanding subsections C above, any and all light manufacturing facilities must comply with applicable State law and regulations, including the California Environmental Quality Act ("CEQA").
- G. Storefront retail facilities must comply with all local and State laws as it pertains to such use at all times, which certain applicable laws are currently set forth in Title 16 Code of Regulations, Sections 5400 through 5413, as may be amended.

FISCAL IMPACT

None

EXHIBIT(S)

1. Proposed Ordinance