

ORDINANCE NO. _____,

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, AMENDING THE NORTH CITY SPECIFIC PLAN AND THE NORTH CITY EXTENDED SPECIFIC PLAN TO ALLOW CANNABIS BUSINESSES IN THE PLAN AREAS AND REDUCE THE COMMERCIAL FLOOR AREA REQUIREMENTS IN THE MIXED USE – URBAN DISTRICTS.

WHEREAS, the North City Specific Plan (NCSP) area is nearly 5,000 acres in size and encompasses all land north of Interstate 10 within the City limits of Cathedral City; and

WHEREAS, the North City Extended Specific Plan (NCESP) area is approximately 580 acres adjacent to the NCSP area in the unincorporated community of Thousand Palms within the City's sphere of influence; and

WHEREAS, the NCSP and NCESP establish zoning districts for areas within the plans' boundaries, including Business Park and Mixed Use-Urban districts in the NCSP, and Mixed-Use Urban and Light Industrial districts in the NCESP; and

WHEREAS, the NCSP and NCESP both require a minimum of 35% of the gross floor area in a mixed used development in the Mixed Use – Urban districts to be devoted to commercial uses; and

WHEREAS, the City Council desires to allow cannabis businesses in the Mixed Use-Urban and Business Park districts in the NCSP, and in the Mixed Use-Urban and Light Industrial districts in the NCESP, subject to the regulations on such uses that exist in Chapters 5.88 and 9.108 of the Cathedral City Municipal Code and additional restrictions imposed by this Ordinance, and to reduce the commercial floor area requirement in the Mixed Use – Urban districts to 10% in both the NCSP and NCESP; and

WHEREAS, the City has referred this proposed specific plan amendment to all of the agencies and entities required by Government Code section 65352 and consulted with those agencies and entities requesting consultation; and

WHEREAS, the Planning Commission held a public hearing noticed in accordance with Government Code section 65353 on the proposed amendments to the NCSP and NCESP and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the City Council received the Planning Commission's recommendation and held a public hearing noticed in accordance with Government Code section 65355 on this proposed specific plan amendment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

A. General Plan Consistency. Amending the NCSP and NCESP to allow all cannabis businesses in the Business Park, Light Industrial, and Mixed Use-Urban districts is consistent with the City's General Plan. Policy 5 of the Community Development Element of the General Plan states that land planning for the North City area shall take into account the limited infrastructure and physical constraints in the North City. Cannabis businesses, especially cultivation and manufacturing uses, do not generate high traffic volumes or result in large infrastructure needs as compared to other uses that are appropriate in Light Industrial, Business Park and Mixed Use-Urban districts. Therefore, it is appropriate to encourage cannabis uses to locate in the North City area. In addition, reducing the minimum amount of commercial floor area required in the Mixed Use – Urban district to 10% will promote development in these districts by ensuring there is a residential base to serve the commercial development.

B. CEQA. An EIR was certified for the NCSP in 2009, which was also relied upon for the approval of the NCESP. In accordance with CEQA Guideline 15162, no additional CEQA review is required for this specific plan amendment as there is no substantial evidence in the record that this amendment would require “major revisions” to the EIR “due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” The addition of cannabis uses to the list of conditionally permitted uses in the Light Industrial, Business Park, and Mixed Use-Urban districts will not create any new environmental impacts or substantially increase the severity of previously identified environmental impacts. These uses are consistent with the types of uses already allowed in these districts and analyzed in the EIR.

SECTION 2. AMENDMENTS TO NCSP.

A. Table 8-1 (Permitted and Conditionally Permitted Uses in the Mixed Use-Urban (MU-U) District) is amended to add the following row, inserted in alphabetical order:

Land Use	Permitted (P) or Conditionally Permitted (C)	Specific Regulation
Cannabis business	C	CCMC Chapter 9.108, Section (E)(5)(e) of this Chapter 8.

B. Section E(5) (Setbacks) of Chapter 8 is amended to add the following language:

“(e) For any cannabis dispensary proposed within the MU-U District, a minimum setback

of 500 feet is required from any other cannabis dispensary. For any cannabis business proposed within the MU-U district, a minimum setback of 250 feet is required from any existing residential use. These setbacks shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point of the building or structure in which the cannabis business is, or will be located to the nearest point of any legally permitted structure housing a cannabis dispensary or residential use. If the cannabis business is, or will be located, in a multi-unit building the distance shall be measured from the nearest point of the suite in which the cannabis business is or will be located. The MU-U District shall not be considered a “residential zone” for the purposes of the requirement in Chapter 9.108 that cannabis businesses be setback certain distances from residential zones. Cannabis businesses are prohibited in any structure in the MU-U district that also houses residential uses.”

C. Table 10-1 (Permitted and Conditionally Permitted Uses in the Business Park (BP) District) is amended to add the following row, inserted in alphabetical order:

Land Use	Permitted (P) or Conditionally Permitted (C)	Specific Regulation
Cannabis business	C	CCMC Chapter 9.108; Section (D)(4)(e) of this Chapter

D. Section D(4) (Setbacks) of Chapter 10 is amended to add the following language:

“(e) For any cannabis dispensary proposed within the BP District, a minimum setback of 500 feet is required from any other cannabis dispensary. For any cannabis business proposed within the BP district, a minimum setback of 250 feet is required from any existing residential use. These setbacks shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point of the building or structure in which the cannabis business is, or will be located to the nearest point of any legally permitted structure housing a cannabis dispensary or residential use. If the cannabis business is, or will be located, in a multi-unit building the distance shall be measured from the nearest point of the suite in which the cannabis business is or will be located.”

E. The first sentence of Section E(1)(a) of Chapter 8 is amended to read as follows:

“(a) A minimum of 10% of the gross floor area of a mixed use development project, 10 acres or more in size, shall be used for commercial purposes.”

SECTION 3. AMENDMENTS TO NCESP

A. Table 7-1 (Permitted and Conditionally Permitted Uses in the Mixed Use-Urban (MU-U) District) is amended to add the following row, inserted in alphabetical order:

Land Use	Permitted (P) or Conditionally Permitted (C)	Specific Regulation
Cannabis business	C	CCMC Chapter 9.108, Section (E)(5)(e) of this Chapter 8.

B. Paragraph E(5) (Setbacks) of Chapter 7, Section 1 is amended to add the following language:

“(e) For any cannabis dispensary proposed within the MU-U District, a minimum setback of 500 feet is required from any other cannabis dispensary. For any cannabis business proposed within the MU-U district, a minimum setback of 250 feet is required from any existing residential use. These setbacks shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point of the building or structure in which the cannabis business is, or will be located to the nearest point of any legally permitted structure housing a cannabis dispensary or residential use. If the cannabis business is, or will be located, in a multi-unit building the distance shall be measured from the nearest point of the suite in which the cannabis business is or will be located. The MU-U District shall not be considered a “residential zone” for the purposes of the requirement in Chapter 9.108 that cannabis businesses be setback certain distances from residential zones. Cannabis businesses are prohibited in any structure in the MU-U district that also houses residential uses.”

C. Table 7-3 (Permitted and Conditionally Permitted Uses in the Light Industrial (I-1) District) is amended to add the following row, inserted in alphabetical order:

Land Use	Permitted (P) or Conditionally Permitted (C)	Specific Regulation
Cannabis business	C	CCMC Chapter 9.108; Section (D)(4)(e) of this Chapter

D. Paragraph D(4) (Setbacks) of Chapter 7, Section 3 is amended to add the

following language:

“(d) For any cannabis dispensary proposed within the I-1 District, a minimum setback of 500 feet is required from any other cannabis dispensary. For any cannabis business proposed within the I-1 district, a minimum setback of 250 feet is required from any existing residential use. These setbacks shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point of the building or structure in which the cannabis business is, or will be located to the nearest point of any legally permitted structure housing a cannabis dispensary or residential use. If the cannabis business is, or will be located, in a multi-unit building the distance shall be measured from the nearest point of the suite in which the cannabis business is or will be located.”

G. The first sentence of Section E(1)(a) of Chapter 7 is amended to read as follows:

“(a) A minimum of 10% of the gross floor area of a mixed use development project shall be used for commercial purposes.”

SECTION 4. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect thirty days after adoption.

SECTION 6. POSTING

The City Clerk shall, within fifteen (15) days after passage of this Ordinance, cause it to be posted in at least three (3) designated public places; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of this City.

SECTION 7. CERTIFICATION

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on the ____ day of _____, 2017, by the following vote:

Ayes:

Noes:

Abstain:
Absent:

Stan Henry, Mayor

ATTEST:

Gary F. Howell, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney