

## Legislation Details (With Text)

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<b>Type:</b>	Ordinance	<b>Status:</b>		Public Hearing	
<b>File created:</b>	11/16/2017	<b>In control:</b>		City Council Special Meeting	
<b>On agenda:</b>	11/29/2017	<b>Final action:</b>			
<b>Title:</b>	Specific Plan Amendment Nos. 07-001A and 12-001A - North City Specific Plan area and North City Extended Specific Plan area, north of Interstate 10, east of Palm Drive, and west of Bob Hope Drive.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Attachment No. 1 - Ordinance Amending NCSP and NCESP - Original, 2. Attachment No. 2 - Ordinance Amending NCSP and NCESP - with Planning Commission revisions, 3. Attachment No. 3 - Public Hearing Notice				

Date	Ver.	Action By	Action	Result
11/29/2017	1	City Council		

**City Council**

**MEETING DATE: 11/29/2017**

**TITLE:**

**Specific Plan Amendment Nos. 07-001A and 12-001A - North City Specific Plan area and North City Extended Specific Plan area, north of Interstate 10, east of Palm Drive, and west of Bob Hope Drive.**

**FROM:**

Charles P. McClendon, City Manager

**RECOMMENDATION:**

Approve an Ordinance amending the North City Specific Plan and North City Extended Specific Plan allowing cannabis businesses and reducing the commercial square footage requirements in the Mixed Use-Urban district, and finding such amendments to be exempt from CEQA.

**BACKGROUND:**

**Findings:**

Amending the NCSP and NCESP to allow all cannabis businesses in the Business Park, Light Industrial, Mixed Use-Urban, and Mixed Use-Neighborhood (NCESP only) 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.

### **Background:**

The North City Specific Plan (NCSP) was adopted in 2009 and governs land use in the areas of the City north of Interstate 10. In 2014, the North City Extended Specific Plan (NCESP) was adopted for the areas north of Interstate 10 that were within the City's sphere of influence and were subsequently annexed into the City. Together, the NCSP and NCESP govern all development north of Interstate 10 within the City's boundaries. The Zoning Code, including Chapter 9.108 governing cannabis businesses, do not apply to the North City except as expressly made applicable by the Specific Plans.

The Cannabis Task Force met early this year to consider and discuss whether the areas covered by the NCSP should be opened up to cannabis businesses. The Task Force supported allowing cannabis businesses in the Mixed Use-Urban (MU-U) and Business Park (BP) zoning districts. The Task Force also supported including a requirement that dispensaries be separated by at least 500 feet.

The Task Force's suggestions were presented to the City Council during a study session on May 24, 2017. The Council generally indicated support for amending the NCSP. In addition, at that meeting the question of whether the NCESP should also be amended consistent with the Task Force's recommendations for the NCSP. The Council also generally indicated support for such amendments, provided the property owner desired such amendments. The City Council directed staff to contact the property owner of the NCESP area and if he supported the amendments to also process an amendment to the NCESP. In addition, during public comment a request was made to include an amendment to reduce the minimum amount of floor space that must be devoted to commercial uses in the MU-U district.

Staff worked with the property owner of the NCESP area, who indicated he supported such amendments, and also requested that cannabis businesses be allowed within the Mixed Use-Neighborhood (MU-N) zoning district in the NCESP.

The Planning Commission held a public hearing on the proposed amendments on October 18, 2017, which was continued to November 1, 2017. The Planning Commission voted to recommend approval of the proposed amendments to the NCSP and NCESP with three revisions: do not allow cannabis businesses in the MU-N district, include a 250 ft setback between cannabis businesses and residential uses, and prohibit cannabis businesses in live-work buildings.

The original version of the amendments as presented to the Planning Commission (Attachment 1), as well as a version incorporating the Planning Commissions revisions (Attachment 2) are presented to the Council for consideration.

### **DISCUSSION:**

#### **Findings:**

Amending the NCSP and NCESP to allow all cannabis businesses in the Business Park, Light

Industrial, Mixed Use-Urban, and Mixed Use-Neighborhood (NCESP only) 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.

### **Background:**

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### **Analysis:**

The original proposed ordinance would make the following amendments to the NCSP and NCESP:

1. Amend the NCSP to allow cannabis businesses in the MU-U and BP zoning districts with a conditional use permit in accordance with Chapter 9.108 of the zoning code.
2. Amend the NCESP to allow cannabis businesses in the MU-U, MU-N, and I-1 zoning districts with a conditional use permit in accordance with Chapter 9.108 of the zoning code. (Note: There is no BP district in the NCESP, and I-1 is the closest equivalent).
3. Require any dispensary within the NCSP or NCESP area to be at least 500 feet away from any existing approved dispensary.
4. Reduce the minimum amount of floor area that must be devoted to commercial uses for developments of 10 acres or larger in the MU-U districts in both the NCSP and NCESP to 10% from the current 35%.
5. Provide that the MU-U zone in both the NCSP and NCESP and the MU-N zone in the NCESP will not be considered "residential zones" for the purposes of the required setbacks from residential zones in Chapter 9.108 of the zoning code.

The revised proposed ordinance eliminates the provisions of the original proposed ordinance related to cannabis businesses in the MU-N district. In addition, the following provisions were added:

1. A separation requirement of 250 ft between a proposed cannabis business and any existing residential use. This setback would be measured in the same manner as all other setbacks applicable to cannabis businesses are measured under Chapter 9.108 of the Code.
2. In the MU-U district, a proposed cannabis businesses would not be permitted in a structure that contains residential uses. This change addresses the concern raised by the Planning Commission that cannabis businesses not be permitted in "live-work" mixed use developments. The example discussed by the Commission that they would like to avoid is having a cannabis business on the ground floor with a residential use above it.

### **Environmental Analysis:**

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, Mixed Use-Urban, and Mixed Use-Neighborhood (NCESP only) 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.

### **Public Notification:**

A public hearing notice was published in accordance with Government Code sections 65454, 65353, and 65090. A copy of the notice is attached hereto.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

Attachment 1 - Original Ordinance  
Attachment 2 - Revised Ordinance  
Attachment 3 - Public Hearing Notice