



Application for MUP 1-21 Cannabis Dispensary at 144 N. Franklin St. Appeal

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ASSOCIATE PLANNER

COMMUNITY DEVELOPMENT DEPARTMENT

Project Status

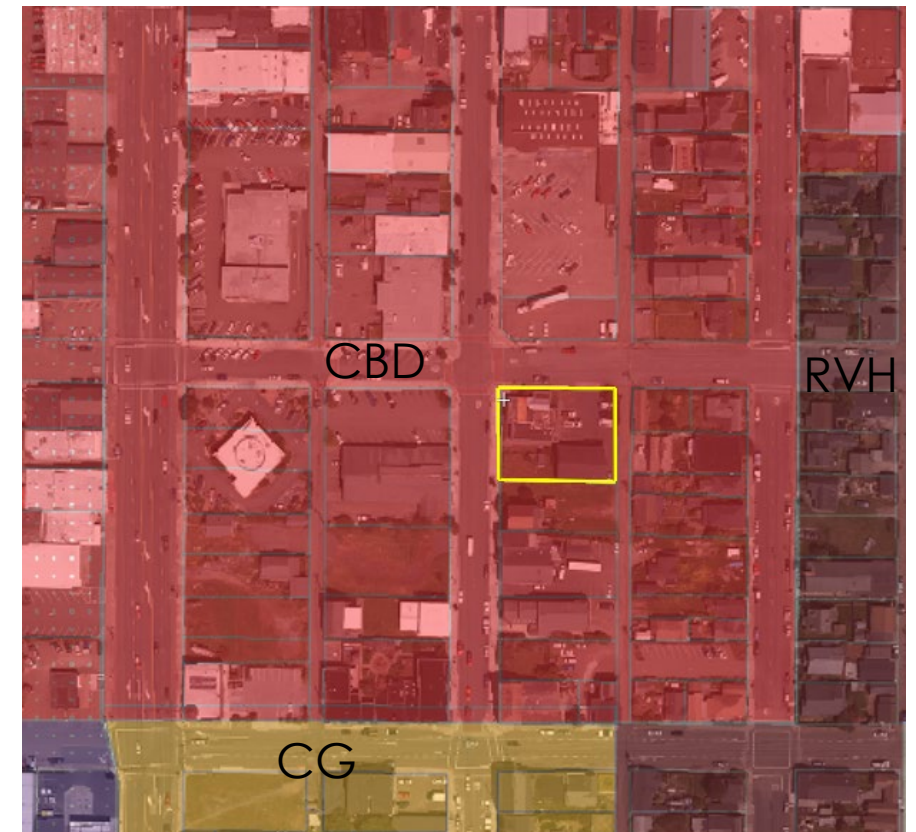


- ▶ Application complete on March 24, 2021
- ▶ Administrative Public Hearing on May 18, 2021
- ▶ Administrative Approval on May 19, 2021
- ▶ Appeal received May 26, 2021
- ▶ Public Hearing with Planning Commission & Denial on June 23, 2021
- ▶ Appeal of Planning Commission Decision received July 6, 2021
- ▶ Planning Commission Resolution meetings on July 14, 2021, July 21, 2021
- ▶ Adoption of Resolution denying project on August 6, 2021
- ▶ Appellant resubmission of appeal received on August 9, 2021

Project Description



- ▶ Retail Cannabis Dispensary at 144 N. Franklin St. with accessory delivery



Basis of Planning Commission Denial



- ▶ There was not sufficient evidence that the required noticing for the Minor Use Permit and the Minor Use Permit Administrative Hearing were properly posted at the property.
- ▶ The proposed use is not compatible with the existing and future land uses.

“Whereas, at the public hearing the appellant [of the administrative decision] presented compelling evidence that the proposed project would be incompatible with the mixed-use neighborhood which consists of commercial properties as well as heavily populated residential properties.”

Notice of Posting



- ▶ MUP Application Declaration dated November 17, 2019
- ▶ Cannabis Business Permit Declaration [not in original PC packet] dated February 17, 2021
- ▶ Two signed affidavits provided
 - ▶ Brandy Moulton
 - ▶ Jennifer Brown
- ▶ No notice was posted for appeal hearing on June 23, 2021. Applicant was not informed by staff to do so.
- ▶ Notice was posted for this appeal hearing on July 23, 2021

Compatibility



- ▶ No definition for mixed-use neighborhood
- ▶ **Mixed Use Project.** A project that combines both commercial and residential uses, where the residential component is typically located above the commercial. Mixed use projects can also be located in separate buildings on the same parcel.

Inland General Plan: Commercial Land



“The goals and policies in this section ensure that the Central Business District remains the historic, civic, cultural, and commercial core of the community. There are also policies encouraging mixed use and infill development to strengthen the other commercial areas of the City.”

IGP Land Use Element Policy LU 3.2



“Mixed Uses: Support mixed use development (i.e., a combination of residential and commercial uses) in the Central Business District that does not conflict with the primary retail function of this area.”

Inland Land Use Development Code



18.22.020(C) *“The CBD zoning district is applied to the core of the downtown which is the civic, cultural, and commercial center of the City. The CBD zone is intended to accommodate retail stores, government and professional offices, theaters, and other similar and related uses in the context of pedestrian-oriented development.”*

Previous Code Interpretations



- ▶ Staff has historically used the primary function of a district (and goals for future uses/functions) to measure compatibility of proposed uses.
- ▶ Supported by a previous decision by the Planning Commission and upheld by the City Council in 2018, with the approval of Use Permit 1-18, to allow a bar with music at 338 N. Franklin St. despite the objection of the neighbors whose homes were across the alley from the proposed location.

Public Safety



- ▶ Police have not seen an increase in crime related to existing dispensaries
- ▶ Targets of robbery have included a bookstore, cinema, antique store, bank, and pharmacy, (no bars nor dispensaries within last 10 years)
- ▶ Dispensaries are required to have very high security measures
 - ▶ Approved permit included an additional inspection for compliance by PD/CDD prior to occupancy.
- ▶ Retail dispensary will have lower impact on the neighborhood than a restaurant (former use on site) or the previously referenced bar

CEQA Exempt



- ▶ Section 15303 – Conversion of structure
- ▶ No changes to physical building that could create an env. Impact (Aesthetics, bio, geo, soils, hydro, water, etc.)
- ▶ Evidence from existing dispensaries do not demonstrate significant increase in traffic, noise, or other activity that could result in environmental Impact
- ▶ A dispensary (unlike a cultivation or manufacturing) would not use any more water/utilities than a normal retail store and less than historic use of restaurant
- ▶ Previous business had delivery service, no increase in VMT

	Average annual usage (gallons)
Restaurant/Bar/ Bakery/Deli	150,250
All retail/wholesale, mixed commercial	42,650
Cannabis Dispensaries	11,400

Project Compatibility & Compliance



- ▶ Proposed project complies with the requirements of Chapter 9.30 Cannabis Businesses
- ▶ Proposed project is consistent with the goals, policies, and programs of the Inland General Plan
- ▶ Proposed project is allowable with a minor use permit per the land use table in Section 18.22.030
- ▶ Proposed project complies with the requirements of the Inland Land Use Development Code including Section 18.42.057 Specific Land Use Standards for Cannabis Retail including Municipal Code Chapter 9.30

Required Findings



- ▶ The proposed use is consistent with the General Plan and any applicable specific plan;
- ▶ The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
- ▶ The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
- ▶ The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities, to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
- ▶ The proposed use complies with any findings required by § 18.22.030 (Commercial District Land Uses and Permit Requirements).