

## RESOLUTION NO. P-16-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY; CALIFORNIA, MAKING FINDINGS AND APPROVING CONDITIONAL USE PERMIT 16-04 SUBJECT TO CONDITIONS OF APPROVAL TO ALLOW FOR AN 1,800 SQUARE FOOT INDOOR CULTIVATION OF MEDICAL MARIJUANA FACILITY WITHIN AN EXISTING 12,600 INDUSTRIAL BUILDING, ON APPROXIMATELY 4.71 ACRES OF LAND, LOCATED AT 17031 MUSKRAT AVENUE, IN INDUSTRIAL PARK 2, WITHIN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, ASSESSOR'S PARCEL NUMBER 0459-681-08.

WHEREAS, the applicant, Matthew S. Antony of Calcanna Patient Services, has proposed Conditional Use Permit 16-04 for conversion/renovation of an existing 1,800 square foot unit for cultivation of medical marijuana facility within an existing 12,600 square foot industrial building, in Industrial Park 2, within the Manufacturing/Industrial zone, within the City of Adelanto, County of San Bernardino; and

WHEREAS, a duly noticed public hearing was held on the 5<sup>th</sup> day of July, 2016 to hear and consider testimony for or against the issue; and

WHEREAS, the applicant accepts all conditions of approval; and

WHEREAS, the City has complied with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

SECTION 1. The above recitals are all true and correct.

SECTION 2. The Planning Commission has reviewed and considered the information included in the staff report prior to taking action on the proposed Conditional Use Permit 16-04. The Planning Commission further finds and determines that the City has complied with the California Environmental Quality Act and the Planning Commission determinations reflect the independent judgment of the Planning Commission.

SECTION 3. The Planning Commission hereby finds the proposed project is exempt from environmental review pursuant to Section 15162 (Subsequent EIR's and Negative Declarations) of the California Environmental Quality Act.

SECTION 4. The Planning Commission hereby finds and determines:

(a) That the proposed Conditional Use Permit is consistent with the General Plan;

Allowing the conversion/renovation of a marijuana cultivation facility requires a Conditional Use Permit within the Manufacturing/Industrial (MI) Zone;

(b) That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and that the use will not adversely affect or be materially detrimental to these adjacent uses, buildings, or structures;

There are manufacturing/industrial uses currently existing in the vicinity of the proposed project.

- (c) That the site for the proposed use is of adequate size and shape to accommodate the use and buildings proposed;

The entire site is approximately 4.71-acres in size, which exceeds the minimum 20,000 square feet, required in this zoning district and has sufficient width and depth to meet all required setbacks.

- (d) That the proposed use complies with all applicable development standards of the zoning district;

The proposed project has been conditioned to meet all applicable City zoning and development standards.

- (e) That the proposed use observes the spirit and intent of this Zoning Code.

The proposed medical marijuana cultivation facility is permitted as a Conditional Use.

SECTION 5. The requested Conditional Use Permit 16-04 is hereby approved subject to the following conditions of approval, attached as Attachment A.

PASSED, APPROVED AND ADOPTED by the Planning Commission this 5<sup>th</sup> day of July 2016.

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Chris Waggener  
Chairman to the Planning Commission

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Virginia Cervantes  
Secretary to the Planning Commission

Attachments: Conditions of Approval

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I, Virginia Cervantes, Planning Secretary for the Planning Commission of the City of Adelanto, California, do hereby certify that the foregoing Resolution No. P-16-16 was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Adelanto on the 5<sup>th</sup> day July of 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 5<sup>th</sup> day of July 2016.

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Virginia Cervantes  
Secretary to the Planning Commission

**Attachment A  
RESOLUTION P-16-16  
July 5, 2016**

**Conditions of Approval  
Conditional Use Permit 16-04**

***PROJECT: A proposal to convert/renovate an existing 1,800 square foot industrial unit to a medical marijuana cultivation facility, within an existing 12,600 square foot industrial warehouse, which is part of a 4.71-acre property located within the MI (Manufacturing/Industrial) Zone. The project site is located approximately 645 feet north of Rancho Road, at 17031 Muskrat Avenue, in Industrial Park 2, within the City of Adelanto, County of San Bernardino. Assessor's Parcel Number 0459-681-08.***

***Applicant: Calcanna Patient Services, Inc.***

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**PLANNING DEPARTMENT**

**General Conditions:**

1. **Approval Period.** Approval of this project will become valid only after a signed copy of the City's approval letter is received by the Planning Department acknowledging acceptance of all conditions of approval. If not received within 10 working days after approval action, this approval will be null and void.

This approval shall be used within two (2) years of the approval date of this project; by **July 5, 2018**, otherwise, it shall become null and void and of no effect whatsoever. Use means the beginning of the substantial use under this approval within the two (2) year period which is thereafter diligently pursued to completion and in the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.

2. **Modification to Plans.** Subsequent modifications of this approval, which do not intensify the use, including but not limited to reorientation of structures, alteration of parking and circulation design, minor changes to the Conditions of Approval, interpretations of the Conditions of Approval relative to intent, necessity of, and timing, may be approved by the Community Development Director, unless the Director requires a Substantial Conformance or Revised Permit application in accordant with the City's Development Code.
3. **Phasing.** This Conditional Use Permit is for the operation of a medical marijuana cultivation facility, Phasing is not indicated on this Site Plan. The Conditions of Approval shall apply to the entire project, unless otherwise indicated.
4. **Indemnity.** The applicant shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Adelanto, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit 16-04.

The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.

5. **Outstanding Costs.** Any fees due to the City of Adelanto for processing this project shall be paid to the City within 30 calendar days of final action. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted by this action. No permits, site work, or other actions authorized by this entitlement shall be permitted, authorized or commenced until all outstanding fees are paid to the City.
  
6. **Fish and Game.** The applicant/owner shall pay a fee of \$50 for the Department of Fish and Wildlife determination. This fee shall be submitted to the Planning Division within two (2) days after the date of conditional approval. **Payments shall be made with a Check for \$50 made payable to the "Clerk of the Board of Supervisors".** The Planning Division shall then file the Notice of Determination within five (5) days after the effective date of conditional approval. The applicant should be aware that Section 21089(b) of the Public Resources Code provides that any project approved under CEQA is not operative, vested or final until the required fee is paid. Proof of fee payment will be required prior to issuance of any permits.
  
7. **City Codes.** The project shall comply with all disabled access requirements of the Americans with Disabilities Act and Title 24 of the State Code, and all local requirements of the City of Adelanto Municipal Code, including Title 17 (Zoning Code), especially the following MI (Manufacturing/Industrial) zoning district regulations and section 17.80.080 regarding the cultivation of medical marijuana:
  - Minimum Lot Size: 20,000 square feet
  - Minimum Lot Width: 100 feet
  - Minimum Lot Depth: 100 feet
  - Minimum Front Setbacks:
    - To Building 25 feet
    - To Parking 10 feet
  - Minimum Side Setback:
    - Street Side 25 feet
    - All others 0 feet
  - Minimum Rear Setback: 25 feet
  - Maximum Height 75 feet
  
8. **Approved Uses.** All new uses within the property boundaries shall be reviewed and approved by the Planning Department. Should the developer propose a more intensive use requiring additional parking spaces, additional employees, more restroom facilities, significant change from original conceptual landscaping plans, etc., the proposed use shall be presented for review by the Planning Department for compliance with the original approval. The new proposed use may be subject, but not limited to: a Modification to Location and Development Plan application, a new Location and Development Plan Application, and/or a Utility Feasibility Study application.

9. **Parking.** Access to Parking and Parking of any vehicle, trailer, equipment, truck or any personal vehicles shall be on an improved surface. No vehicle, trailer, equipment, truck or any personal vehicle shall be parked or accessed on the dirt. Any of the above mentioned vehicles parked or accessed on the dirt shall be subject to a code violation citation in accordance with Title 17 of the Adelanto Municipal Code.
10. **Required Approvals.** The developer shall obtain the following clearances or approvals:
  - a. Verification from the Planning Department that all pertinent conditions of approval have been met, including any administrative development plan review approvals, as mandated by the Adelanto Municipal Code.
  - b. Building and Safety Department approval.
  - c. Any other required approval from an outside agency.
11. **Signed Approval Letter.** A signed copy of the City's approval letter shall be on file with the Planning Department. If ownership of the property or the developer of the property has changed since the original approval, a new copy of the City approval letter shall be signed by the current development parties.
12. **Signage.** Proposed signs for this development shall require a separate application approval by the Planning Department prior to installation. Furthermore, all signs proposed for this development shall be consistent with the signage for the commercial center to the south. The project shall remain in full compliance with all City sign regulations at all times.
13. Mandatory Organic Recycling in accordance with AB 1826. Contact Burrtec – Robert Rios ([robert@burrtec.com](mailto:robert@burrtec.com)) for recycling information.
14. "Saving by Design" Southern California Edison Energy Efficiency – Contact Maya Aubrey [maya.aubrey@sce.com](mailto:maya.aubrey@sce.com) for electrical efficiency information.
15. For water conservation, use Hydroponics or other low water use irrigation systems. Water should be recycled as much as possible.

## ENGINEERING DEPARTMENT

### General Conditions:

16. Approval of this project in no manner obligates the City of Adelanto to extend water service, or sewer service, or improve streets, or extend any other infrastructure to service this development.
17. The City of Adelanto shall be "added insured" on all insurance policies for construction of this project. Proof of insurance shall be provided prior to start of construction.
18. All monuments (new or replaced) shall be referenced or reset in accordance with the Business and Professions Code.

19. All improvements as required by the City Engineer shall be constructed. All infrastructure improvements required by these conditions of approval, must comply with the City's standard infrastructure requirements and any specific requirements established in these conditions of approval. Any existing infrastructure failing to meet these requirements must be removed at the developer's expense and to be reconstructed to meet the infrastructure requirements described in these conditions of approval and current City Standards at the time of development at the developers expense.
20. All improvements constructed in conjunction with this project shall be design and constructed to the City standards, Department of Transportation standards, Green Book Standards, and the City Engineer Requirements that are in effect at the time of the approval or subsequent extensions of time. All improvements shall be constructed to comply with any health and safety regulations or changes to State and Federal laws current to the time of construction as directed by the City Engineer.
21. Inspection. The Developer shall at all times maintain proper facilities and safe access for inspection of the Improvements by City inspectors and to the businesses or residences wherein any construction work is in progress. Where traffic interference may occur during construction, The Developer shall prepare and file a traffic control plan, subject to the reasonable approval by the City Engineer.
22. Upon completion of the work the Developer shall request a final inspection by the City Engineer, or the City Engineer's authorized representative. If the City Engineer, or the designated representative, determines that the work has been completed in accordance with this entitlement, the Improvement Plans and City standards, then the City Engineer shall certify the Completion of the Improvements to the CITY, and the City Council shall accept the Improvements.
23. Final road sections shall be approved by the City Engineer prior to construction, which shall be submitted along with the soils report & recommendations on structural sections based on R-value & TI. And shall substantially conform to the sections submitted with the first submittal of the street improvement plans.
24. Pavement structural section shall be designed based on soils tests (R-Value Tests) conducted by an acceptable soils testing laboratory and Traffic Index as approved by the City Engineer.
25. The following site specific improvements shall be completed:
  - a. Onsite improvements are as follows:
    - i. All onsite parking must be on an impervious surface (Asphalt/ Concrete), additional asphalt or concrete shall be provided for any vehicles to be parked in the rear of the building.
  - b. Offsite improvements are as follows:
    - i. Roadway adjacent to the project (the half-width on the project side of the road) shall be capped. City Staff recommends that this project consider joining with other local projects to complete AC capping of the existing

roadway. This work can also be individually completed. All such improvements must be completed within 180 calendar days of approval. **OR** The developer shall pay a fee equivalent to the cost of capping the street adjacent to the development within 60 calendar days of approval or as agreed upon by the City Engineer.

26. Permitted water consumption. Maximum water consumption per 1,000 square feet of canopy space shall be limited to 100 gallons per day.
27. Water Utility Feasibility Study. The Developer shall apply for a water feasibility study within 30 calendar days of CUP approval.
28. Industrial Pretreatment and Industrial Wastewater Discharge Permit Application. The Developer shall complete the discharge permit application within 60 calendar days of CUP approval.

#### **BUILDING AND SAFETY**

29. See attached Building and Safety Department Conditions.

#### **FIRE DEPARTMENT**

30. No Fire Department Conditions were received for this project.