

MEETING DATE: 11/2/2016

CASE NO. Conditional Use Permit No. 16-007

APPLICANT: Sunshine Coast Wellness (dba Sunshine Botanical), Allen Cooper

LOCATION: 28201 Date Palm Drive, Suites B & C (APN: 675-145-015)

REQUEST: Consider A Conditional Use Permit Application to operate a medical cannabis business (dispensary) within an existing multi-tenant commercial building in the PCC (Planned Community Commercial) Zoning District and Specific Plan No. 87-21 located at 28201 Date Palm Drive, Suites B & C.

STAFF PLANNER:

Pat Milos, Community Development Director

RECOMMENDATION:

APPROVE an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No. 15301, Class No. 1 (Existing Facilities).

APPROVE Conditional Use Permit No. 16-007 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

FINDINGS:

APPROVAL OF AN EXEMPTION TO CEQA based on the finding that the project qualifies as Categorically Exempt under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines.

APPROVAL OF CONDITIONAL USE PERMIT NO. 16-007, subject to the attached conditions of approval, and based on the following findings:

1. The medical cannabis business to be located at 28201 Date Palm Drive, Suites B & C in the PCC District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.30.
2. The medical cannabis business as well as all operations as conducted therein, fully complies with all applicable building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act (ADA), and all relevant City and State Law. Staff has reviewed the site and floor plans submitted and determined that, as conditioned herein, the medical cannabis business will comply with all relevant building codes, zoning, and the ADA.

3. The medical cannabis business fully complies with and meets all operating criteria required pursuant to State Laws, Chapter 5.88 of the City Municipal Code (CCMC), any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in this conditional use permit. The applicant has been granted a local license (MCL 16-012) in accordance with Chapter 5.88 of the CCMC, and in granting the local license the City Manager determined that the medical cannabis business was in compliance with all applicable laws regarding the operation of the business.

4. The number, type, and availability of dispensaries located in or near the proposed licensed premises is such that the issuance of a conditional use permit to the Applicant will not result in or add to an undue concentration of Dispensaries and/or result in a need for additional law enforcement resources. There are no existing dispensaries in the vicinity of the proposed dispensary.

5. The medical cannabis business is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located. By allowing medical cannabis businesses in certain zones, the City Council has determined that medical cannabis businesses are necessary and desirable for the development of the community, is consistent with the general plan, and will not be detrimental to other uses in the zones.

6. The site for the medical cannabis business is adequate in size and shape to accommodate such use and any and all of the yards, setbacks and walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses on land in the neighborhood. The medical cannabis business meets all site development standards.

7. The site for the medical cannabis business relates properly to streets and highways which are designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use. The medical cannabis business is on Date Palm Drive, which has adequate capacity to serve the limited traffic that will be generated by the use.

8. The applicant agrees to comply with any and all of the conditions imposed by the Planning Commission or be subject to a revocation hearing.

BACKGROUND:

The proposed project was presented before the Commission at the October 19, 2016 meeting. At the meeting, questions were raised regarding the location and whether it met the locational requirements, specifically the minimum 250' setback requirement

from a residential zone. As a result, the item was continued by the Commission to the next regularly scheduled meeting to allow for investigation and verification of the map prepared by the licensed surveyor submitted with the application.

As the Planning Commission is aware, the City Council recently enacted a number of ordinances allowing for the establishment of medical cannabis businesses (dispensaries, cultivation sites and manufacturing sites) within certain zoning districts of the City, subject to a Conditional Use Permit (CUP). The ordinances regulating medical cannabis businesses are codified at CCMC Chapters 5.88 and 9.108 (the "Ordinance").

Under the ordinance, medical cannabis businesses are required to obtain both a medical cannabis license (local license) and CUP. For the local license, applicants are required to submit various documents such as the ownership structure of the medical cannabis business, a general description of the products and services to be provided and security and delivery plans (if delivery is proposed). In addition, all owners, directors, officers and persons who are managing or otherwise responsible for the activities of a proposed medical cannabis business must submit to a background check. The City Manager, or his designee, shall decide whether to approve or deny a local license application.

The Local License application for a dispensary was submitted on April 1, 2016. The Conditional Use Permit application was submitted on April 1, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the license was granted on August 22, 2016 (see Attachment 4).

There are no exterior changes proposed to the building. Therefore, no review from the Architectural Review Subcommittee is needed. The Planning Commission will take final action on this matter unless it is appealed to the City Council.

ANALYSIS:

The project site is located within the PCC (Planned Community Commercial) Zoning District and Specific Plan No. 87-21. The surrounding uses include service stations with convenience stores, office uses and residential. The commercial center where the dispensary will be located is a multi-tenant building. Suites B & C are currently vacant and the other suite is occupied by a service station with convenience store. Pursuant to CCMC section 9.108.090, a dispensary may only be located within the I-1 (Light Industrial), CBP-2 (Commercial Business Park) or PCC (Planned Community Commercial) Zoning Districts.

Furthermore, no dispensary shall be located: a) within six-hundred (600) feet of a school, day care center, or youth center; or b) within two-hundred and fifty (250) feet of East Palm Canyon Drive or a residential zone. Staff has confirmed that the subject

location does not violate any of the applicable location restrictions set forth in the CCMC.

Specific Plan 87-21 prescribes development regulations particularly related to new development or construction. Additionally, there is a list of prohibited uses which includes fast food restaurants and liquor stores. There is no new exterior construction proposed to the existing building. The use will be for a medical cannabis business which is not prohibited in the Specific Plan. Therefore, the project complies with the Specific Plan.

The applicant is proposing to install motion lighting, perimeter window monitors and video surveillance equipment for perimeter security. The windows will be equipped with penetration detection and aluminum security strips, and with the existing tint on the windows, will not be visible from Date Palm Drive. The applicant is proposing to construct walls on the interior of the windows, not visible from the exterior, as an additional security measure. There are also two columns, parking stop blocks and an existing sidewalk at the front and rear of the facility to prevent vehicles from entering the suites.

The dispensary will occupy two suites with a total square footage of approximately 2,200 square feet. The suites will have a patient waiting area, reception/security station, two restrooms, administration area, employee break room, safe room, inventory, and a dispensary area.

The applicant is not proposing exterior changes or the addition of square footage to the building. However, upon inspection of the site, there were a number of other concerns that the applicant has agreed to address and these have been incorporated into the Conditions of Approval:

1. The existing trash enclosure shall be retrofitted to City standard.
2. The existing ADA parking stalls and path of travel shall be restriped and properly signed.
3. The parking stalls at the front and rear of the suite shall be restriped.
4. Illuminated building address numbers, a minimum of 12" in height, shall be placed on the building.
5. The existing landscape areas shall be renovated to comply with current City design standards and requirements.
7. The applicant shall install barriers at the south end of the parking lot to prevent vehicles from entering the adjacent undeveloped areas.

ENVIRONMENTAL ANALYSIS:

Categorical Exemption under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines, which allows tenant improvements in existing buildings to be exempt. Since there is no outside expansion, this qualifies for a Class No. 1 Exemption.

NOTE: The City of Cathedral City Planning Department is custodian of the documents or other material, which constitute the record of proceedings upon which this decision is based.

PUBLIC NOTIFICATION:

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA (see Attachment 5).

ATTACHMENTS:

- Attachment 1: Conditions of Approval
- Attachment 2: Site Plan
- Attachment 3: Floor Plan
- Attachment 4: Local License
- Attachment 5: Public Hearing Notice