



Cathedral City

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Title: CASE NO. Conditional Use Permit No. 17-004

APPLICANT: Tomate Soleil Rouge, Yuhsin Wen

LOCATION: 36650 Sunair Plaza (APN: 687-081-001)

REQUEST: Consider a Conditional Use Permit application to operate a medical cannabis business (cultivation and manufacturing site) within an existing industrial building in the CBP-2 (Commercial Business Park) Zoning District located at 36650 Sunair Plaza.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment No. 1 - Conditions of Approval, 2. Attachment No. 2 - Site Plan, 3. Attachment No. 3 - Floor Plan, 4. Attachment No. 4 - Exterior Elevations with options, 5. Attachment No. 5 - Cultivation License Certificate, 6. Attachment No. 6 - Manufacturing License Certificate, 7. Attachment No. 7 - CCFD Fire Department Guidelines for Medical Cannabis (Manufacturing), 8. Attachment No. 8 - PC Hearing Notice

Date	Ver.	Action By	Action	Result
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Planning Commission

MEETING DATE: 11/15/2017

CASE NO. Conditional Use Permit No. 17-004

APPLICANT: Tomate Soleil Rouge, Yuhsin Wen

LOCATION: 36650 Sunair Plaza (APN: 687-081-001)

REQUEST: Consider a Conditional Use Permit application to operate a medical cannabis business (cultivation and manufacturing site) within an existing industrial building in the CBP-2 (Commercial Business Park) Zoning District located at 36650 Sunair Plaza.

STAFF PLANNER:

Salvador Quintanilla, Associate Planner

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. 17-004 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 findings, 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. 17-004, subject to the attached conditions of approval, and based on the following findings:

1. The medical cannabis business to be located at 36650 Sunair Plaza in the CBP-2 Zoning District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.36.
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 local licenses (MCL No. 17-002) 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 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.
5. 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.
6. 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 primary collector streets are Cathedral Canyon Drive

and East Palm Canyon Drive, which have adequate capacity to serve the limited traffic that will be generated by the use.

7. 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:

City ordinances allow for the establishment of medical cannabis businesses (dispensaries, cultivation, distribution 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. 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.

Local License and Conditional Use Permit (CUP) applications for a cultivation site were submitted on January 5, 2017. Subsequently, on February 28, 2017, the applicant amended the Local License and CUP application to add manufacturing. The Local License application was reviewed by staff including the Police Department, the background check completed and the cultivation license was granted on May 18, 2017 (see Attachment 5) and the manufacturing license was granted on July 12, 2017 (see Attachment 6).

The project site consists of two existing buildings, a two-story building, Building A, at the front of the site and a single-story building, Building B, at the rear of the site. The site was established prior to the City's incorporation and has housed numerous uses from residential to restaurants to industrial uses. Additionally, the building street frontage, and the existing parking for the site, align with the old county standards and will be completely reconstructed to current City standards.

The Architectural Review Committee (ARC) reviewed the project on October 18, 2017 and approved the project to move forward to Planning Commission incorporating the following comments and revisions:

1. Remove the portion of the second-floor railing along the front of the building (west elevation).
2. Provide solar protection on the west facing windows.
3. The Palo Verde trees should be the up-right multi-trunk variety.
4. Provide a mixture of boulders within the landscape areas.
5. Use the brown (Rodeo) color on the gate column, end portion of the wall at the gate (will give the

appearance of a column), and the mechanical equipment screen/faux chimney (on south elevation).

6. Remove the two statues on the wall.

Additionally, the ARC requested the applicant to provide an alternative square design to the main entry of the building as opposed to the arch/round design presented at the meeting. The applicant has provided two square options (see Attachment 4) for Planning Commission consideration and approval.

The changes have been incorporated into the site, landscape and architectural plans prior to the Planning Commission meeting. 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 CBP-2 (Commercial Business Park) zoning district. The surrounding uses include automobile body and repair facilities, retail and service uses, a recycling center and medical cannabis businesses. Pursuant to CCMC section 9.108.090, a combined cultivation and manufacturing site may only be located within the I-1 (Light Industrial) Zoning District or a CBP-2 (Commercial Business Park) Zoning District.

Furthermore, no cultivation and manufacturing site shall be located: a) within six-hundred (600) feet of a school, day care center, or youth center; b) within three hundred (300) feet of a residential zone, or C) within two hundred and fifty (250) feet of East Palm Canyon Drive. Staff has confirmed that the subject location does not violate any of the applicable location restrictions set forth in the CCMC.

The site is licensed for cultivation and manufacturing. However, at this time the applicant will use the facility for manufacturing only. The extraction equipment will be CO2 based and located within a separate room. The Fire Department has reviewed the proposal and approved the conceptual plan subject to the formal review and approval of a plan check submittal which shall comply with the requirements and standards contained in the Cannabis Extraction for Commercial Manufacturing Facilities section of the Fire Department Development Guidelines (see Attachment 8). If the applicant chooses to operate the cultivation part of the business, the CUP will need to be amended and approved by the Planning Commission.

The site is approximately 20,900 square-feet. Building A consists of two floors. The first floor is approximately 3,000 square feet and will be used for manufacturing and include an extraction room, cleaning room, breakroom, distillation, security, vault, mechanical room, and bathrooms. The second floor is approximately 2,200 square feet and will be used for administrative purposes and consists of office space and other ancillary space.

Building B at the rear of the site is approximately 900 square feet and will be used for manufacturing and include a distillation, processing, filter/cryo room and bathroom.

The existing parking area along the street will be removed and a new parking area will be constructed within the site. The parking area will have 16 parking spaces including two ADA spaces

(one will be van accessible). The area will feature multiple landscape planters, landscaping around the parking area, a loading area at the rear of building A, and a new trash enclosure per City standard.

Along the street, at the front of the building, the area will be reconstructed to include new landscape planters, curb, gutter, ADA compliant sidewalk, and driveway approach per City Standard, and part of the street will be repaved.

Building A will be redesigned in a Spanish architectural style. The front (west) elevation, facing the street (Sunair Plaza), will be enhanced by a main entry element and new windows with trims. The existing windows on the west and south elevation will have a similar trim as the front windows. The south elevation will incorporate metal trellises with landscaping and trim to match the other elements. Also, the existing mechanical equipment on the south elevation will be screened with a faux chimney that will be plastered and painted consistent with the architectural style. The east elevation will be painted to match the character of the building. Building B will have limited architectural changes but will be painted in the same color scheme of Building A.

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 7).

ATTACHMENTS:

- Attachment 1: Conditions of Approval
- Attachment 2: Site Plan
- Attachment 3: Floor Plan
- Attachment 4: Elevations
- Attachment 5: Local License Cultivation
- Attachment 6: Local License Manufacturing
- Attachment 7: Public Hearing Notice
- Attachment 8: Cathedral City Fire Department Guidelines