



Cathedral City

Legislation Details (With Text)

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File created: 9/26/2016 **In control:** Planning Commission
On agenda: 10/5/2016 **Final action:**
Title: CASE NO. Conditional Use Permit No. 16-022

APPLICANT: Cathedral City Collective, Vietnam Nguyen

LOCATION: 36385 Bankside Drive (APN: 687-311-010)

REQUEST: Consider a Conditional Use Permit Application to establish a medical cannabis business (dispensary and cultivation site) within an existing industrial building in the CBP-2 (Commercial Business Park) Zoning District located at 36385 Bankside Drive.

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 - Local License, 5. Attachment No. 5 - PC Hearing Notice

Date	Ver.	Action By	Action	Result
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Planning Commission

MEETING DATE: 10/5/2016

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REQUEST: Consider a Conditional Use Permit Application to establish a medical cannabis business (dispensary and cultivation site) within an existing industrial building in the CBP-2 (Commercial Business Park) Zoning District located at 36385 Bankside Drive.

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. 16-022 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. 16-022, subject to the attached conditions of approval, and based on the following findings:

1. The applicant has been granted a local license (MCL No. 16-002) in accordance with Chapter 5.88 of the Cathedral City Municipal Code (CCMC).
2. The medical cannabis business to be located at 36385 Bankside Drive in the CBP-2 Zoning District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.36.
3. 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.
4. The medical cannabis business fully complies with and meets all operating criteria required pursuant to State Laws, Chapter 5.88 of the CCMC, any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as part the conditions of approval in this conditional use permit.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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:

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. 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 and cultivation site was submitted on April 1, 2016. The Conditional Use Permit was submitted on June 21, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the license was granted on August 17, 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 CBP-2 (Commercial Business Park) Zoning District. The surrounding uses include automobile repair and body shops, service commercial businesses and a recently approved medical cannabis business. The industrial building where the dispensary and cultivation site will be located is comprised of an existing one-story building. Pursuant to CCMC section 9.108.090, a combined dispensary and cultivation site may only be located within the I-1 (Light Industrial), CBP-2 (Commercial Business Park) and PCC (Planned Community Commercial) Zoning Districts.

Furthermore, no combined dispensary and cultivation site 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.

The stand-alone building is approximately 7,743 square feet. The applicant will occupy the entire building with the cultivation portion proposed to utilize approximately 5,502 square feet, the dispensary portion will be approximately 981 square feet and the remaining ancillary areas will be approximately 1,260 square feet.

There are no exterior changes or the addition of square footage proposed to the building. Therefore, there are no issues with setbacks, building height or number of parking spaces. However, upon

inspection of the site, there are a number of other concerns that the applicant has agreed to address and have been incorporated into the Conditions of Approval:

1. A new trash enclosure shall be constructed per City standard.
2. The existing parking area shall be repaved, parking stalls striped and signed, and all existing broken or damaged sidewalk, curb, gutter and drive approaches replaced and/or repaired.
4. The existing ADA parking stalls shall be restriped and properly signed and an ADA compliant path of travel added.
5. The landscaping shall be renovated to comply with current City design standards and requirements.
6. Illuminated building address numbers, a minimum of 12" in height, shall be placed on the building.
7. The building shall be repainted and touched up as necessary.
8. The existing chain link fence along the rear property line shall be replaced with either a tubular steel fence or block wall.
9. The palm tree located within the driveway area shall be removed.

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