

Legislation Details (With Text)

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File created: 8/23/2016 **In control:** Planning Commission
On agenda: 9/7/2016 **Final action:**
Title: CASE NO. Conditional Use Permit No. 16-010

APPLICANT: P & S Ventures, LLC, Patrick McMahon

Sponsors:

Indexes:

Code sections:

Attachments: 1. CUP 16-010 -PS Ventures Conditions of Approval, 2. MCL 16-006, Site Plan, P & S Ventures, 3. MCL16-006, Floor Plan, P & S Ventures, 4. Local License Certificate - MCL16-006, 5. CUP 16-010 PC Hearing Notice #2

Date	Ver.	Action By	Action	Result
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Planning Commission

MEETING DATE: 9/7/2016

TITLE: The applicant (P & S Ventures) is requesting a Conditional Use Permit Application 16-010 to operate a medical cannabis business, (dispensary with delivery and cultivation) within an existing industrial building in the CBP-2 (Commercial Business Park) Zoning District located at 36380 Bankside Drive (APN: 687-312-017).

CASE NO. Conditional Use Permit No. 16-010

APPLICANT: P & S Ventures, LLC, Patrick McMahon

STAFF PLANNER:

Robert Rodriguez, Planning Manager

RECOMMENDATION:

APPROVE an exemption to the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Existing Facilities).

APPROVE Conditional Use Permit No. 16-010 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

REQUEST:

A Conditional Use Permit Application to establish a medical cannabis business (dispensary, cultivation, and delivery) within an existing industrial building in the CBP-2 (Commercial Business Park) Zoning District located at 36380 Bankside Drive (APN: 687-312-017).

FINDINGS:

APPROVAL OF AN EXEMPTION TO CEQA based on the finding that the project qualifies as Categorically Exempt under Section 15301, Class 1 (Existing Facilities) of the State CEQA Guidelines.

APPROVAL OF CONDITIONAL USE PERMIT NO. 16-010, subject to the attached conditions of approval, and based on the following findings:

1. The applicant has been granted a local license (MCL 16-006) in accordance with Chapter 5.88 of the Cathedral City Municipal Code (CCMC).
2. The medical cannabis business to be located at 36380 Bankside Drive in the CBP-2 Zoning District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.30.
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. 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.
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. There are no existing dispensaries in the vicinity of the proposed project.
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. 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.
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. The medical cannabis business meets all site development standards.

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. The medical cannabis business is on Bankside Drive, which has adequate capacity to serve the limited traffic that will be generated by the 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, cultivation, and delivery facility was submitted on April 1, 2016. The Conditional Use Permit was submitted on April 26, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the license was granted on August 4, 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 are primarily industrial. The medical Cannabis business will be located in single tenant building. Pursuant to CCMC section 9.108.090(A)(3), a dispensary may only be located within the I-1 (Light Industrial) Zoning District, the CBP-2 (Commercial Business Park) Zoning District or the PCC (Planned Community Commercial) Zoning District.

Furthermore, pursuant to section 9.108.080(A)(1), 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 (dispensary) or a residential zone.

Also, pursuant to CCMC section 9.108.090(B)(1) and (2), no cultivation site shall be located within six-hundred (600) feet of a school, day-care center, or youth center, or within two hundred fifty feet of East Palm Canyon Drive, or within three hundred (300) feet of a residential zone, except that the restrictions in this subsection (C)(1) shall not apply to any location where the city previously issued a conditional use permit authorizing cultivation under this chapter and Chapter 9.72 of this code and such cultivation has existed in continuous operations at the subject location since the time of original permitting.

Furthermore, subject to the distance and other requirements of this chapter, a cultivation site may only be located within the I-1 (Light Industrial) Zoning District, CBP-2 (Commercial Business Park) Zoning District, PCC (Planned Community Commercial) Zoning District, and OS (Open Space) Zoning District. In addition to the findings required by Section 9.72.010 of this code, the Planning Commission shall also consider whether the approval of the proposed use will violate the minimum requirements set forth in this chapter for distance separations between other cultivation sites and other specific land uses.

Staff has confirmed that the subject location does not violate any of the applicable location restrictions set forth in the CCMC.

The building is approximately 7,067 square feet. The dispensary will be approximately 1,015 square feet and the cultivation area with the ancillary rooms will be approximately 6,052 square feet. The building will contain six grow rooms, a dispensary area, waiting area, nutrient room, restrooms, secure room, clone room, trim room, and a dry room.

Additionally, the applicant is proposing to install metal shutters/bars as one layer of security of the security plan for the dispensary and cultivation. The shutters/bars will be required to install on the inside of the windows, doors, and roll-up doors. The applicant has been conditioned that the metal shutters/bars will be screen from Bankside Drive.

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 were a number of other concerns that the applicant has agreed to address and have been noted on the Site Plan and incorporated into the Conditions of Approval:

1. The existing trash enclosure shall be retrofitted to City standard.
2. All parking lot lights shall be fully functional and repaired as necessary.
3. The existing ADA parking stalls shall be restriped and properly signed.
4. An ADA compliant path of travel shall be added from the ADA parking stalls.
5. The building shall be fire sprinklered.
6. The parking stalls shall be restriped, signed, and all existing broken or damaged sidewalk, curb,

gutter and drive approach replaced to the satisfaction of the City Engineer.

7. The applicant will upgrade the landscape to comply with current City Design standards and requirement.

8. The building will need to be required to be connected to the public sewer system.

ENVIRONMENTAL ANALYSIS:

Categorical Exemption under Section 15301, Class 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 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