



Cathedral City

Legislation Details (With Text)

File #: 2017-413 **Version:** 1 **Name:**
Type: Staff Report **Status:** Agenda Ready
File created: 10/4/2017 **In control:** Planning Commission
On agenda: 11/1/2017 **Final action:**
Title: CASE NO. Conditional Use Permit No. 14-011C

APPLICANT: Green Cross Pharma, Maria Scagliotti

LOCATION: 68730 Summit Drive (APN: 687-161-026)

REQUEST: Consider an amendment to a Conditional Use Permit to modify the existing floor plan and expand the operation of the medical cannabis business to distribution and transportation located at 68730 Summit Drive within the I-1 (Light Industrial) Zoning District.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment No. 1 - Conditions of Approval, 2. Attachment No. 2 - Site Plan, 3. Attachment No. 3 - Proposed Floor Plan, 4. Attachment No. 4 - Local License, 5. Attachment No. 5 - Public Hearing Notice

Date	Ver.	Action By	Action	Result
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Planning Commission

MEETING DATE: 11/1/2017

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REQUEST: Consider an amendment to a Conditional Use Permit to modify the existing floor plan and expand the operation of the medical cannabis business to distribution and transportation located at 68730 Summit Drive within the I-1 (Light Industrial) Zoning District.

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 Amendment No. 14-011C 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. 14-011C, subject to the attached conditions of approval, and based on the following findings:

1. The medical cannabis business is located and operating at 68730 Summit Drive in the I-1 Zoning District and is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.40.
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 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 No. 16-029) 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 street is Perez Road, which has 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:

On October 18, 2017, the Planning Commission continued the item to the November 1, 2017 Planning Commission meeting to allow the applicant and staff additional time to finalize the details of the project.

Green Cross Pharma received its initial entitlements on December 17, 2014, under the previous City Council ordinance which allowed three medical marijuana dispensaries to open and operate in the City, subject to a Conditional Use Permit (CUP). The facility received a Certificate of Occupancy on July 30, 2015.

Under the current ordinance, these previously approved dispensaries were required to obtain a medical cannabis license (local license) in compliance with Chapter 5.88. The applicant submitted for the local license (dispensary and cultivation site) on June 27, 2016 and received the Local License (MCL No. 16-029) on August 4, 2016. Subsequently, a Conditional Use Permit amendment (CUP No. 14-011A) to allow cultivation was approved by the Planning Commission on August 17, 2016.

On September 29, 2016, the licensee applied for a third medical cannabis license for manufacturing. The application was reviewed by staff including the Police Department, the background check completed and the license was granted on November 22, 2016. The licensee also submitted an application to amend its Conditional Use Permit (CUP No. 14-011B) to allow manufacturing within the subject site. The Planning Commission approved the manufacturing site on January 18, 2017.

On August 1, 2017, the licensee applied for a fourth medical cannabis license for distribution and transportation. The application was reviewed by staff including the Police Department, the background check completed and the license was granted on August 29, 2017 (see Attachment 4). The licensee also submitted an application to amend its Conditional Use Permit to allow distribution and transportation within the subject site.

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 I-1 (Light Industrial) zoning district. The surrounding uses include automobile body and repair facilities and medical cannabis businesses. Pursuant to CCMC section 9.108.090, a distribution and transportation site may only be located within the I-1 (Light Industrial) Zoning District, CBP-2 (Commercial Business Park District), OS (Open Space) or a PCC (Planned Community Commercial) Zoning District.

Furthermore, no distribution and transportation site shall be located: a) within six-hundred (600) feet of a school, day care center, or youth center; or 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 existing industrial building is approximately 4,000 square feet in size. The applicant/owner is utilizing 1,500 square feet for dispensary activities which includes a waiting room, restrooms, office and storage space, 1,650 square feet for cultivation, 749 square feet for manufacturing and 101 square feet is proposed for the distribution and transportation area.

The applicant has obtained a building permit for construction of the manufacturing area as identified by the hatched area in the proposed floor plan and is currently under construction.

The floor plan will be reconfigured to accommodate the 101 square-foot distribution and transportation area. The area will be accessible from interior hallways as shown on the floor plan. Additionally, the applicant will be required to improve the employee parking area on the east side of the building including repaving and restriping and constructing a trash enclosure per city standard.

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

ENVIRONMENTAL ANALYSIS:

Categorical Exemption under Section No. 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: Proposed Floor Plan
- Attachment 4: Local License - Distribution and Transportation
- Attachment 5: Public Hearing Notice