

Legislation Details (With Text)

File #: 2018-46 **Version:** 1 **Name:**
Type: Informational Report **Status:** Agenda Ready
File created: 2/13/2018 **In control:** Planning Commission
On agenda: 2/21/2018 **Final action:**
Title: CASE NO. Conditional Use Permit No. 17-001

APPLICANT: Bing Solutions, LLC, Anthony Liu

LOCATION: 68600 Perez Road (APN: 687-480-020)

REQUEST: Consider a Conditional Use Permit for the development a cannabis cultivation facility, consisting of a new two-story building of approximately 23,800 square-feet, to be located at the rear of the Desert Ice Castle site, within the I-1 (Light Industrial) Zoning District located at 68600 Perez Road.

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 - Elevations, 5. Attachment No. 5 - Landscape Plan, 6. Attachment No. 6 - Cultivation License, 7. Attachment No. 7 - Public Hearing Notice, 8. Attachment No. 8 - ALUC Review Letter

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Planning Commission

MEETING DATE: 2/21/2018

CASE NO. Conditional Use Permit No. 17-001

APPLICANT: Bing Solutions, LLC, Anthony Liu

LOCATION: 68600 Perez Road (APN: 687-480-020)

REQUEST: Consider a Conditional Use Permit for the development a cannabis cultivation facility, consisting of a new two-story building of approximately 23,800 square-feet, to be located at the rear of the Desert Ice Castle site, within the I-1 (Light Industrial) Zoning District located at 68600 Perez Road.

STAFF PLANNER:

Pat Milos, Community Development Director

RECOMMENDATION:

APPROVE an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No.

15332, Class No. 32 (In-Fill Development Projects).

APPROVE Conditional Use Permit No. 17-001 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. 15332, Class No. 32 (In-Fill Development Projects) of the State CEQA Guidelines.

APPROVAL OF CONDITIONAL USE PERMIT NO. 17-001, subject to the attached conditions of approval, and based on the following findings:

1. The cannabis business to be located at 68600 Perez Road in the I-1 Zoning District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.40.
2. The 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 cannabis business will comply with all relevant building codes, zoning, and the ADA.
3. The 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. 17-001) in accordance with Chapter 5.88 of the CCMC, and in granting the local license the City Manager determined that the cannabis business was in compliance with all applicable laws regarding the operation of the business.
4. The 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 cannabis businesses in certain zones, the City Council has determined that 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 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 cannabis business meets all site development standards.
6. The site for the 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 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:

City ordinances allow for the establishment of 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 cannabis businesses are codified at CCMC Chapters 5.88 and 9.108 (the "Ordinance").

Under the ordinance, cannabis businesses are required to obtain both a cannabis license (local license) and CUP. For the local license, applicants are required to submit various documents such as the ownership structure of the 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 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 4, 2017. The Local License application was reviewed by staff including the Police Department, the background check completed and the cultivation license was granted on September 27, 2017 (see Attachment 6).

The project site consists of an existing single-story building, Desert Ice Castle, at the front of the site, with parking areas on the north and east sides of the building. The proposed new building will be located at the rear of the site.

The Architectural Review Committee (ARC) reviewed the project on January 17, 2018 and approved the project to move forward to the Planning Commission with a vote of 5-0, incorporating the following comments and revisions:

1. Trees shall be a minimum 24" box size.
2. Provide the correct common name for Acacia Salicina.
3. Provide boulders and mounding within landscape areas where possible.
4. Provide decomposed granite at a minimum 3" depth after compaction, 11% fine, and 3/8" minus.
5. Provide diamond planters on the east side of the Desert Ice Castle building.

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 I-1 (Light Industrial) Zoning District. The surrounding uses include the Southern California Edison facility and retail and service uses. Pursuant to CCMC section 9.108.090, a cultivation site may only be located within the I-1 (Light Industrial) or CBP-2 (Commercial Business Park) Zoning Districts.

Furthermore, no cultivation 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 approximately 2.65 acres. The proposed two-story building will have a total of 23,800 square feet with each floor having approximately 11,900 square feet. The first floor will have 8,161 square feet of cultivation and 3,739 square feet of ancillary space which includes a water/equipment room, an air shower area, a breakroom area and bathrooms. The second floor will have 9,666 square feet of cultivation and will have 2,234 square feet of ancillary space.

The new building will be constructed at the northwest side of the property and a tubular steel fence will be installed, securing the rear area of the existing building and the loading and a portion of the parking area of the proposed building. The site will have a separate loading area for each building and a new trash enclosure will be constructed for the proposed building and the existing trash enclosure will be retrofitted to the City's standard. The parking areas affected by the proposal will be repaved and restriped to the satisfaction of the City Engineer.

The site will feature multiple landscape planters and areas including within the parking area, along Perez Road and the new retention area proposed at the northeast corner of the site. The proposed desertcape scheme is consistent with the requirements of the Desert Water Agency (DWA) and the City's water efficient landscape ordinance and regulations. The Final Landscape Plan will require review and approval by DWA to ensure compliance with water efficiency requirements.

For both uses, the combined parking requirement for the site is 118 parking spaces. The project is proposing 121 total parking spaces including four ADA van accessible spaces. Additionally, a new 6-foot-high tubular steel fence will be installed along the east property line.

The building will be designed in a Modern architectural style, with a metal siding aligned in a horizontal direction. The southeast corner of the building will be enhanced with a modern style, stucco finished tower element. The tower will have two metal canopies painted white, accenting the design of the building. The south and east edges of the tower element will have plaster control joints, creating a square pattern appearance. The building will be painted with a dark, medium and light gray color scheme, complementing the Modern style architecture.

ENVIRONMENTAL ANALYSIS:

Categorical Exemption under Section No. 15332, Class No. 32 (In-Fill Development Projects) of the State CEQA Guidelines, that allows for the development of a property which is consistent with the

General Plan and Zoning designations, the site is less than five acres, has no value as habitat for endangered, rare or threatened species, no significant effects to traffic, noise, air quality or water quality, and the site will be adequately served by all required utilities and public services. The development of the site will have no significant impact; therefore, this qualifies for a Class No. 32 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:	Landscape Plan
Attachment 6:	Local License (Cultivation)
Attachment 7:	Public Hearing Notice
Attachment 8:	Airport Land Use Commission (ALUC) Development Review Letter