

## Legislation Details (With Text)

**File #:** 2018-124      **Version:** 1      **Name:**  
**Type:** Staff Report      **Status:** Agenda Ready  
**File created:** 4/9/2018      **In control:** Planning Commission  
**On agenda:** 4/18/2018      **Final action:**  
**Title:** CASE NO. Conditional Use Permit No. 17-040

APPLICANT: Panther Buds, LLC., Daniel Senske

LOCATION: 68753 Summit Drive (APN: 687-162-002)

REQUEST: Consider a Conditional Use Permit application to operate a cannabis business (cultivation and distribution/transportation site) in an existing commercial building in the I-1 (Light Industrial) Zoning District located at 68753 Summit 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 - Color Elevations, Page 1, 5. Attachment No. 5 - Color Elevations, Page 2, 6. Attachment No. 6 - Landscape Plan, 7. Attachment No. 7 - Distribution Local License, 8. Attachment No. 8 - Cultivation Local License, 9. Attachment No. 9 - Public Hearing Notice

Date	Ver.	Action By	Action	Result
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### *Planning Commission*

**MEETING DATE:** 4/18/2018

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**REQUEST:** Consider a Conditional Use Permit application to operate a cannabis business (cultivation and distribution/transportation site) in an existing commercial building in the I-1 (Light Industrial) Zoning District located at 68753 Summit Drive.

**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. 17-040 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. 17-040**, subject to the attached conditions of approval, and based on the following findings:

1. The cannabis business to be located at 68753 Summit Drive, 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 Disabilities 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 in this conditional use permit. The applicant has been granted local licenses (MCL No. 17-027) 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/transportation 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.

A Local License application for cultivation, manufacturing and distribution/transportation was submitted on September 13, 2017. The Conditional Use Permit (CUP) was submitted on November 1, 2017. The Local License application was reviewed by staff including the Police Department, the background check completed and the cultivation, manufacturing and distribution/transportation licenses were granted on December 28, 2017 (see Attachment 7 and 8). However, the applicant will use the facility for cultivation and distribution/transportation only. If the applicant chooses to operate the manufacturing part of the business, the CUP will need to be amended and approved by the Planning Commission.

The Architectural Review Committee (ARC) reviewed the project on March 21, 2018 and voted to continue the project with the following comments:

1. Remove the lone Palm tree and provide mounding within the front landscape planter and provide additional spacing between the landscaping and curb.
2. Provide individual 24" x 24" planters or one landscape planter along the front of the building for the proposed vines.
3. Provide a sample of the proposed window film.
4. Provide a canopy over the main entrance doors.
5. Consider a darker color instead of the Rustic Adobe (orange) and use for the fascia, trim, rear areas, main entrance doors and canopy.

The project was subsequently reviewed by the Architectural Review Committee (ARC) on April 4, 2018 and approved to move forward to the Planning Commission incorporating the following comments:

1. Center the address number between the two main entrance doors.
2. Relocate the Desert Milkweed down to the center of the end planter.

The changes were incorporated into the site plan, elevations, and landscape plan 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 cannabis businesses, an automobile body shop, and construction yard. Pursuant to CCMC section 9.108.090, a combined cultivation and distribution/transportation site may only be located within the PCC (Planned Community Commercial), I-1 (Light Industrial) or CBP-2 (Commercial Business Park) zoning districts.

Furthermore, no cultivation and distribution/transportation 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 existing single-story building is approximately 4,979 square feet and will be compromised of 3,500 square feet of cultivation, 107 square feet of distribution/transportation, and approximately 1,372 square feet of office, break room, lockers, restroom, vault, lobby, and other ancillary space.

There are a number of improvements proposed to the site including a new metal sliding gate at the rear, new trash enclosure, new asphalt paving and restriping of the northerly and southerly parking areas and renovation of the existing landscaping. In addition, a 42" high metal screen wall, painted to match the building, will be installed around the ground mounted mechanical equipment within the secured southerly parking area.

The building will be repainted with a dark brown along the bottom (Plantation Brown) and a medium (Mexican Sand) and light brown/tan (China Doll) on the upper portions of the building, window trim, and block wall. The main entrance doors and canopy, fascia, the framed in areas and a band on the rear of the building will be painted in an orange color (Brandywine), accenting the color scheme. The front elevation will feature the existing arched windows with new sandblasted glass and arched doors, complementing the existing Spanish architectural style. A painted stucco screen wall will be installed on the roof, screening the mechanical equipment from the public right-of-way.

### **ENVIRONMENTAL ANALYSIS:**

Categorical Exemption under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines, 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 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 9).

**ATTACHMENTS:**

Attachment 1:	Conditions of Approval
Attachment 2:	Site Plan
Attachment 3:	Floor Plan
Attachment 4:	Colored Elevations, Page 1
Attachment 5:	Colored Elevations, Page 2
Attachment 6:	Landscape Plan
Attachment 7:	Distribution Local License
Attachment 8:	Cultivation Local License
Attachment 9:	Public Hearing Notice