

Legislation Details (With Text)

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On agenda: 6/20/2018 **Final action:**
Title: CASE NO. Conditional Use Permit No. 17-010

APPLICANT: Acquafila, LLC, Luis Cuenca

LOCATION: 68415 Perez Road, Units B and C (APN: 687-322-007)

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 68415 Perez Road, Units B and C.

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 Elevation, 5. Attachment No. 5 - Color Rendering, 6. Attachment No. 6 - Landscape Plan, 7. Attachment No. 7 - Local License Cultivation, 8. Attachment No. 8 - Local License Distribution/Transportation, 9. Attachment No. 9 - Public Hearing Notice

Date	Ver.	Action By	Action	Result
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Planning Commission

MEETING DATE: 6/20/2018

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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. 17-010 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. 17-010, subject to the attached conditions of approval, and based on the following findings:

1. The cannabis business to be located at 68415 Perez Road, Units B and C, 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. 17-003) 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 was submitted on February 21, 2017. The Conditional Use Permit (CUP) was submitted on February 27, 2017. Subsequently, on May 3, 2018, the applicant amended the Local License and CUP application to add distribution/transportation. The Local License application was reviewed by staff including the Police Department, the background check completed and the cultivation license was granted on May 31, 2017 (see Attachment 7) and the distribution/transportation license was granted on May 16, 2018 (see Attachment 8).

The Architectural Review Committee (ARC) reviewed the project on June 6, 2018 and voted 5-0 to approve the project to move forward to the Planning Commission incorporating the following comments:

1. Provide mounding within the front landscape planters, additional shrubs throughout the landscape planters, replace the Sumac trees with Tipuana trees, and provide two different ground cover plants throughout the landscape areas.
2. Incorporate aluminum panels above the glass panels at roll up door openings that will be enclosed.
3. Remove all bollards on the east side of the building.
4. Provide a gray stone veneer on the landscape planter that is on the east side of the building.
5. Paint the retaining wall along Perez Road with a gray color.

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, a building materials yard, and an automobile body shop and repair facility. 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 .48-acre site has two existing single-story buildings separated by a steel canopy. The cannabis business will be in the rear building, which is approximately 3,000 square feet, and is comprised of two units (B and C). The cannabis business will include 2,345 square feet of cultivation, 175 square feet of distribution/transportation, and approximately 480 square feet of office, restroom, and other ancillary space.

There are a number of improvements proposed to the site including the construction of a new trash enclosure per City standard, redesign of the parking area that will be repaved and restriped including the designation of a loading space, van accessible ADA parking space and ADA path travel, and renovation of the existing landscaping.

The rear portion of the existing building will be repainted with a light green color, a rock veneer planter will be constructed on the east side of the building, the front elevation will feature the existing roll up doors with new glass windows and aluminum panels above which complements the design of the front portion of the building.

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: Color Elevation
Attachment 5: Color Rendering
Attachment 6: Landscape Plan
Attachment 7: Local License Cultivation
Attachment 8: Local License Distribution/Transportation
Attachment 9: Public Hearing Notice