



# Cathedral City

## Legislation Text

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File #: 2016-367, Version: 1

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### *Planning Commission*

**MEETING DATE: 10/5/2016**

**CASE NO.** Conditional Use Permit No. 16-009

**APPLICANT:** PS Patients Collective, Inc., Charles Kieley

**LOCATION:** 36405 Bankside Drive (APN: 687-311-009)

**REQUEST:** Consider a Conditional Use Permit Application to establish a medical cannabis business (cultivation site) within an existing industrial building in the CBP-2 (Commercial Business Park) Zoning District located at 36405 Bankside Drive.

**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 No. 16-009 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. 16-009**, subject to the attached conditions of approval, and based on the following findings:

1. The applicant has been granted a local license (MCL 16-005b) in accordance with Chapter 5.88 of the Cathedral City Municipal Code (CCMC).
2. The medical cannabis business to be located at 36405 Bankside Drive in the CBP-2 Zoning District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.36.
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.

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 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.

6. 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.

7. 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.

8. 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 cultivation facility was submitted on April 1, 2016. The Conditional Use Permit was submitted on April 6, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the license was granted on August 17, 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 office, commercial and light industrial uses including a few medical cannabis businesses. Pursuant to CCMC section 9.108.090, a cultivation site may only be located within the I-1 (Light Industrial), the CBP-2 (Commercial Business Park), PCC (Planned Community Commercial) or the OS (Open Space) Zoning Districts.

Furthermore, no cultivation 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 project site is approximately 20,000 square feet. The existing single story, stand-alone building where the cultivation site will be established is approximately 10,583 square feet. The cultivation area will occupy approximately 7,303 square feet, which includes seven grow rooms, and there will be approximately 3,280 square feet consisting of a break room and ancillary space.

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. Upon inspection of the site, there are a number of other concerns that the applicant has agreed to address and have been incorporated into the Conditions of Approval:

1. The existing parking area shall be repaved, parking stalls restriped and signed, and all existing broken or damaged sidewalk, curb, gutter and drive approaches replaced and/or repaired.
2. The existing ADA parking stalls shall be restriped and properly signed and an ADA compliant path of travel added.
3. The existing trash enclosure shall be retrofitted to City standard.
4. The landscaping shall be renovated to comply with current City design standards and requirements.
5. Illuminated building address numbers, a minimum of 12" in height, shall be placed on the building.

### **ENVIRONMENTAL ANALYSIS:**

Categorical Exemption under Section No. 15301, Class No. 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 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 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