



# Cathedral City

## Legislation Text

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File #: 2016-505, Version: 1

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### *Planning Commission*

**MEETING DATE: 12/7/2016**

**CASE NO.** Conditional Use Permit No. 16-040

**APPLICANT:** Newport Holdings, LLC, Neil Richardson

**LOCATION:** 35655 Bankside Drive (APN: 687-311-002, -003 and -019)

**REQUEST:** Consider a Conditional Use Permit Application to operate a medical cannabis business (cultivation site) in an existing commercial building in the PCC (Planned Community Commercial) Zoning District located at 35655 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. 16-040 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 Categorical Exempt under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines.

**APPROVAL OF CONDITIONAL USE PERMIT NO. 16-040**, subject to the attached conditions of approval, and based on the following findings:

1. The medical cannabis business to be located at 35655 Bankside Drive in the PCC Zoning District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter No. 9.30.
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 the ADA.

3. The medical cannabis business fully complies with and meets all operating criteria required pursuant to State Laws, Chapter 5.88 of the Cathedral City Municipal Code (CCMC), any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as part of the conditions of approval in this conditional use permit. The applicant has been granted a local license (MCL 16-022) 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 primary collector street is East Palm Canyon Drive, 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:**

This item was originally scheduled for the November 16, 2016 Planning Commission meeting. However, due to a lack of quorum, the meeting was cancelled and the item was continued to the next regularly scheduled Planning Commission meeting of December 7, 2016.

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 site was submitted on April 26, 2016. The Conditional Use Permit application was submitted on September 12, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the license was granted on August 22, 2016 (see Attachment No. 5).

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 PCC (Planned Community Commercial) Zoning District, and borders the Commercial Business Park (CBP-2) district on the north side. As such, the surrounding uses are primarily service commercial and light industrial uses including recently approved medical cannabis businesses. Pursuant to CCMC Section 9.108.090, a cultivation site may only be located within the I-1 (Light Industrial), CBP-2 (Commercial Business Park), PCC (Planned Community Commercial) or 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; b) within three hundred (300) feet of a residential zone; or C) within two hundred and fifty (250) feet of East Palm Canyon Drive. The building is located within 250' of East Palm Canyon Drive. However, when the local license application was submitted on April 26, 2016, there was no setback requirement from East Palm Canyon Drive for cultivation sites. On April 27, 2016, the City Council introduced Ordinance No. 777, which added the 250' setback requirement. The 250' setback for cultivation from East Palm Canyon was not part of the draft of the ordinance included in the agenda packet and was added by the City Council at the April 27th meeting. As this application was submitted prior to the introduction of Ordinance No. 777 and the applicant had no way of knowing that the Council would include a cultivation setback to the ordinance that would impact the application, and administrative decision was made to consider the application "grandfathered."

Therefore, Staff has confirmed that the subject location does not violate any of the applicable location restrictions set forth in the CCMC at the time the local license application was submitted.

The project site is approximately 25,852 square feet in size. There are two existing buildings on the site. The medical cannabis business will be located in the northern building. The southern building is not part of the project nor is it eligible for any medical cannabis business use as it does not meet the setback requirement from residential. The northern one-story building is approximately 6,909 square feet in size. There will be six large grow rooms, trimming room, clone/teen plant room, restrooms, and

ancillary storage rooms.

The applicant is proposing to secure the building by providing security cameras throughout the interior and exterior of the building. Additionally, the applicant is proposing to construct interior walls behind the storefront windows, heavy duty steel security doors on the inside and coded security gates at the main entrance of the property.

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

1. The existing chain link fence and gate along the east property line shall be removed and replaced with either a block and/or tubular steel fence.
2. The existing parking area shall to be repaved, parking stalls striped and signed, and all existing broken or damaged sidewalk, curb, gutter and drive approaches replaced and/or repaired.
3. The applicant shall construct a sidewalk along Bankside Drive.
4. The existing landscape areas shall be renovated to comply with current City design standards and requirements.
5. A new trash enclosure shall be constructed per City Standard.

#### **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 No. 6)

#### **ATTACHMENTS:**

- Attachment 1: Conditions of Approval
- Attachment 2: Site Plan
- Attachment 3: Floor Plan (page 1)
- Attachment 4: Floor Plan (page 2)
- Attachment 5: Local License
- Attachment 6: Public Hearing Notice

