

**MEETING DATE: 12/14/2016**

**TITLE:**

**Appeal of Planning Commission Approval of Conditional Use Permit 16-023 for WCCC-West Coast Cannabis Club, 68828 Ramon Road, Suite A2**

**FROM:**

Pat Milos, Community Development Director

**RECOMMENDATION:**

Staff recommends the City Council hear an appeal of the decision of the Planning Commission to approve a Conditional Use Permit; hold a public hearing; and then affirm, modify or reverse the Planning Commission decision.

**BACKGROUND:**

Section 9.72 of the Cathedral City Municipal Code states that a “Conditional Use Permit is intended for those types of land uses which require special consideration because they possess unique characteristics or present special issues that make being a permitted use impractical or undesirable.” The Conditional Use Permit process provides a mechanism for the Planning Commission and in the case of an appeal the City Council, to impose conditions to mitigate the potential negative impacts of a particular use. Typical conditions address impacts such as traffic, parking, noise, odors, light pollution, vibration, smoke or other concerns associated with the proposed use.

In this instance the Planning Commission approved a Conditional Use Permit.

In the appeal process, the City Council has several resources to draw upon in order to reach a conclusion about the merits of the application including, but not necessarily limited to:

1. The original Planning Commission staff report prepared for consideration by the Planning Commission (Attachment 2).
2. The record of the Planning Commission meeting (minutes) of October 19, 2016 (Attachment 9).
3. The official appeal filed with the Community Development Department (Attachment 10).

4. Testimony of the applicant and the public at the public hearing.

Once the City Council has had an opportunity to review the information listed above and has held a public hearing, the City Council will need to deliberate on whether the decision of the Planning Commission should be affirmed, reversed or modified.

**DISCUSSION:**

On October 19, 2016 the Cathedral City Planning Commission approved Conditional Use Permit 16-023 for WCCC-West Coast Cannabis Club (Kenneth Churchill) to operate a Medical Cannabis Business (dispensary with delivery service) in the Planned Community Commercial (PCC) District of Cathedral City. The Planning Commission approval was based on the Commission's concurrence with the staff report and the related Conditions of Approval (Attachment 3) that were imposed by the Planning Commission and the applicant is obligated to satisfy each of the conditions. Following the approval of the Planning Commission, and within the 10 day appeal period, an appeal of the Planning Commission's decision was filed with the Deputy City Clerk.

In accordance with Section 9.72.080 of Title 9, Planning, Zoning, and Subdivisions of the Cathedral City Municipal Code, any person aggrieved or affected by the final determination of the Planning Commission concerning an application for a Conditional Use permit including any conditional requirement imposed on the project may appeal the decision within 10 calendar days. The Council may affirm, reverse or modify, in whole or in part, any final determination, condition or requirement of the Planning Commission.

The process for hearing the appeal is typically a summary of the situation by staff followed by testimony of the appellants. Following that testimony the City Council should open a public hearing and take comment from those in attendance. Following the hearing the City Council will take action on the appeal. The City Council has several options in relation to the appeal:

1. The City Council may affirm, in whole, the decision of the Planning Commission.
2. If the City Council finds that new or additional information has been discovered in the appeal process that may result in the Planning Commission reaching a different conclusion, the City Council may remand the application back to the Planning Commission with direction to consider the new or additional information.
3. The City Council may remand the application back to the Planning Commission with direction to further review specific elements of the proposal and impose conditions to mitigate the potential impact on the neighborhood.
4. The City Council may modify the approval of the Planning Commission to impose additional, fewer, or modified conditions that the City Council finds will better mitigate the potential negative impacts of

the proposal.

5. The City Council may reverse the decision of the Planning Commission and deny the Conditional Use Permit if the City Council finds the applicant is unwilling or unable to satisfy the conditions of approval.

**FISCAL IMPACT:**

There is no direct fiscal impact related to this action

**ATTACHMENTS:**

1. Public Hearing Notice for Planning Commission CUP 16-023
2. Planning Commission Staff Report for CUP 16-023
3. Planning Commission Conditions of Approval for CUP 16-023
4. Planning Commission Site Plan for CUP 16-023
5. Planning Commission Floor Plan for CUP 16-023
6. MCL 16-023 Letter and Local License
7. Planning Commission Letter of Opposition
8. Planning Commission Letter of Support
9. Minutes of the October 19, 2016 Planning Commission Meeting
10. Appeal of CUP 16-023 (Appellant Document)
11. Public Hearing Notice of Appeal for CUP 16-023